



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA April 26, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the March 22, 2017 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for a public hearing.

2. **RBK Ventures Subdivision (Klee)** 1

Hay Creek Township

- Zoning Change (A to Conditional MA) | ZC2017-004

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Preliminary Plat | PPLT2017-002

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

3. **Daybreak Medical Addition (Klee)** 9

- Future Land Use Plan Amendment (MDR to OMU) | FLUP2017-001

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Zoning Change (A to RT and Conditional CA) | ZC2017-005

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Preliminary Plat | PPLT2017-003

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny



4. **Lot 1, Block 1, Good Shepherd North Addition (DN)**
 Zoning Change (PUD to RT) | ZC2017-006..... 17
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
5. **South Meadows 2nd Addition (JW)**
 Zoning Change (R5 to R10) | ZC2017-007 23
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
6. **Lot 19, Block 2, Sonnet Heights Subdivision 2nd Replat (JW)**
 Zoning Change (RM30 to RT) | ZC2017-008..... 29
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

7. **Freedom Ranch Subdivision (WH)**
 Final Plat | FPLT2016-011 35
Hay Creek Township
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
8. **Last Chance Subdivision (JW)** 51
Hay Creek Township
 - Zoning Change (A to RR) | ZC2017-003
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Final Plat | FPLT2017-003
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
9. **Hamilton's First Addition 1st Replat (DN)** 59
 - Zoning Change (Conditional RM15 to RM15) | ZC2017-002
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Minor Subdivision Final Plat | MPLT2017-004
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
10. **Part of Lot 2, Block 2, Hanson Subdivision (WH)**
 Rural Residential Lot Split | RRLS2017-001 65
Hay Creek Township
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

- 11. Lot 1, Block 1, Casey Commercial Park (JW)**
Special Use Permit (Drive Through) | SUP2017-00273
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
- 12. Part of the N½ of the NW¼ of Section 26, T138N-R80W (City Lands) (DN)**
Special Use Permit (Pet Cemetery/Crematorium) | SUP2017-00379
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
- 13. Tract 411, Block 10, Original Plat (WH)**
Special Use Permit (Microbrewery) | SUP2017-004 85
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

- 14. Public Hearing Procedures and Protocol – Discussion of Final Draft**
15. Other

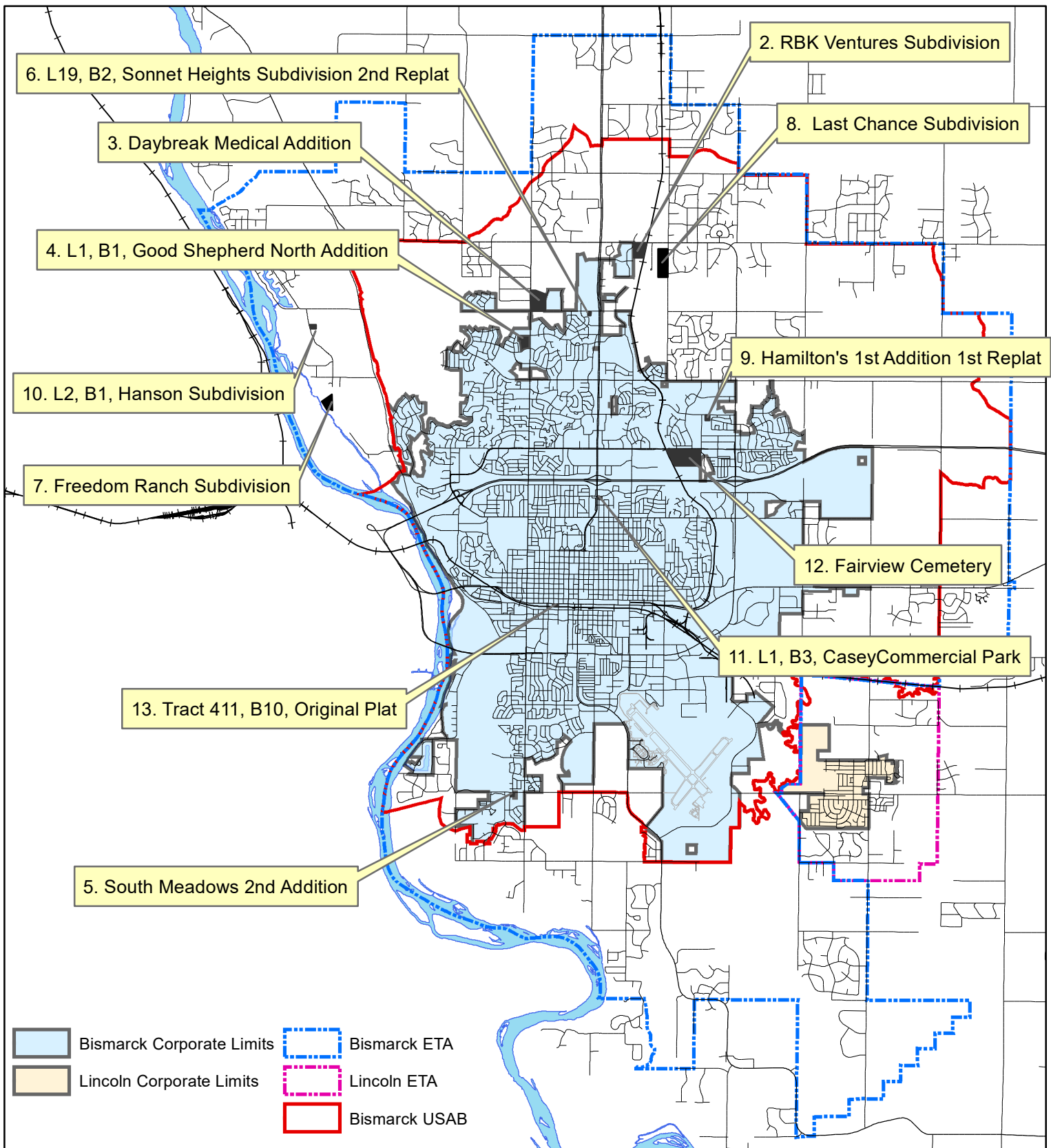
ADJOURNMENT

- 16. Adjourn.** The next regular meeting date is scheduled for **May 24, 2017.**

Enclosures: Meeting Minutes of March 22, 2017
Building Permit Activity Month to Date Report for March 2017
Building Permit Activity Year to Date Report for March 2017

General Location Map

Planning and Zoning Commission Meeting - April 26, 2017



April 2016

0 4,100 8,200 16,400 Feet



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

April 26, 2017

Application for: Zoning Change

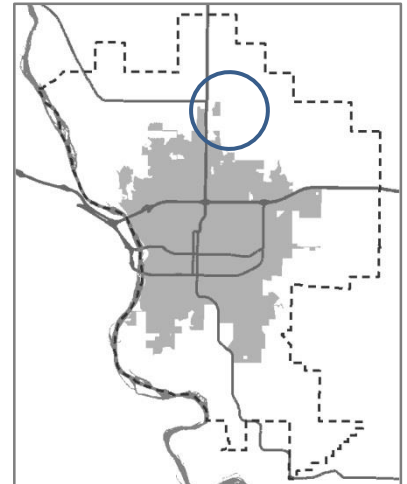
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-004

PPLT2017-002

Project Summary

<i>Title:</i>	RBK Ventures Subdivision
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	RBK Ventures, LLP
<i>Project Contact:</i>	Dave Patience, Swenson, Hagen & Company, P.C.
<i>Location:</i>	North of Bismarck, along the south side of 71 st Avenue NE approximately 1/2 mile east of US Highway 83.
<i>Project Size:</i>	22.37 acres
<i>Request:</i>	Plat and rezone property for future location of facility for the storage and sale of fireworks and other light industrial uses.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Part of 1 unplatted tract	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Agriculture/Undeveloped	<i>Land Use:</i>	Light industrial
<i>Designated GMP</i>	Industrial	<i>Designated GMP</i>	Industrial
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	Conditional MA – Industrial
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	Conditional MA – N/A

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The applicant is requesting approval of a zoning change and preliminary plat to allow for the future

development of a facility for the storage and sale of fireworks and other light industrial uses.

(continued)

The Future Land Use Plan (FLUP), as amended, in the 2014 Growth Management Plan (GMP) designates the future use of this property as Industrial. Adjacent land uses include an undeveloped MA-Industrial zoned and annexed light industrial park to the west (JMAC Addition), a partially developed PUD-Planned Unit Development zoned rural light industrial park to the north (Hay Creek Industrial Park Replat), a rural residential subdivision to the east across the Dakota Missouri Valley & Western (DMVW) Railroad tracks, and undeveloped agricultural land to the south.

An unplatted 40-foot strip of property separates the proposed plat from the subdivision to the west that is owned by a separate party who is not interested in joining the plat.

Because this would be a rural industrial subdivision, the proposed MA – Industrial zoning will need to be conditional so that only uses that are appropriate in a rural setting without municipal water and sanitary sewer services would be allowed. The sale and storage of fireworks is not allowed within the corporate limits; however, there are still some unresolved building and fire issues regarding such a facility in a rural setting. Staff will work with the applicant to craft a conditional zoning district that meets the needs of both the applicant and the City.

The applicant is proposing to have direct access to 71st Avenue NE on a temporary basis, with the understanding that access would be moved to North 19th Street when that roadway is constructed up to the intersection with 71st Avenue NE; however, such direct access would need to be approved by both the City Engineer and the County Engineer. In addition, if such access is approved, the applicant would also be financially responsible for constructing turn lane improvements for both the west bound left turn and the east bound right turn in accordance with County standards (if access is provided via North 19th Street, these improvements would not be required of the applicant). It should be noted that 71st Avenue NE is an arterial roadway and is currently planned as the northern east-west route of the beltway.

The applicant has also requested a waiver from storm water management plan submittal requirements, with

the understanding that a full storm water management plan would be submitted in conjunction with an application for site plan review. Both the City Engineer and the County Engineer are supportive of a waiver at the platting stage with this understanding.

With the platting of this subdivision, the property to the south would be landlocked. An access easement across this property to provide access to the parcel to the south of this parcel will need to be included on the final plat.

In addition, because of the existing rural residential use to the east across the DMVW Railroad, a landscape easement will need to be included on the final plat along the entire eastern edge. Required landscaping within this easement will need to be installed in conjunction with site development.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation regarding the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;

(continued)

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. As all of the proposed uses have not been identified, staff cannot determine if the proposed subdivision would have a substantial effect on circulation and safety of public roadways in the vicinity; therefore, no traffic impact study is required at this time, but may be required in conjunction with the application for site plan approval.
5. The Hay Creek Township Board of Supervisors has not yet made a recommendation regarding the proposed preliminary plat;
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;

9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on the zoning change from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district and tentative approval of the preliminary plat for RBK Ventures Subdivision, with the understanding that:

1. Direct access onto 71st Avenue NE and the location of such access will need to be approved by both the County Engineer and the City Engineer;
2. If direct access to 71st Avenue NE is permitted, the applicant would be financially responsible for constructing turn lane improvements for both the west bound left turn lane and the east bound right turn lane in accordance with County standards (if access is provided via North 19th Street, these improvements would not be required of the applicant).
3. When North 19th Street is constructed, any permitted direct access to 71st Avenue NE will be removed and the access for the entire subdivision will then be moved to North 19th Street.
4. An access easement will need to be included on the final plat to provide access to the parcel to the south of this plat.
5. A landscape easement will need to be included on the final plat along the entire eastern edge of the plat, and required landscaping will need to be installed in conjunction with site development.
6. Stormwater review will be waived until site plan review status, with concurrent approval of the County Engineer and the City Engineer

(continued)

required prior to the issuance of any building permits within the subdivision.

7. A draft zoning ordinance outlining the specific conditions is drafted by staff in coordination with the applicant.

Attachments

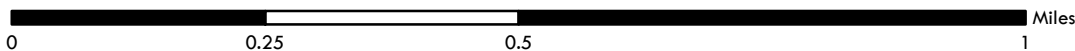
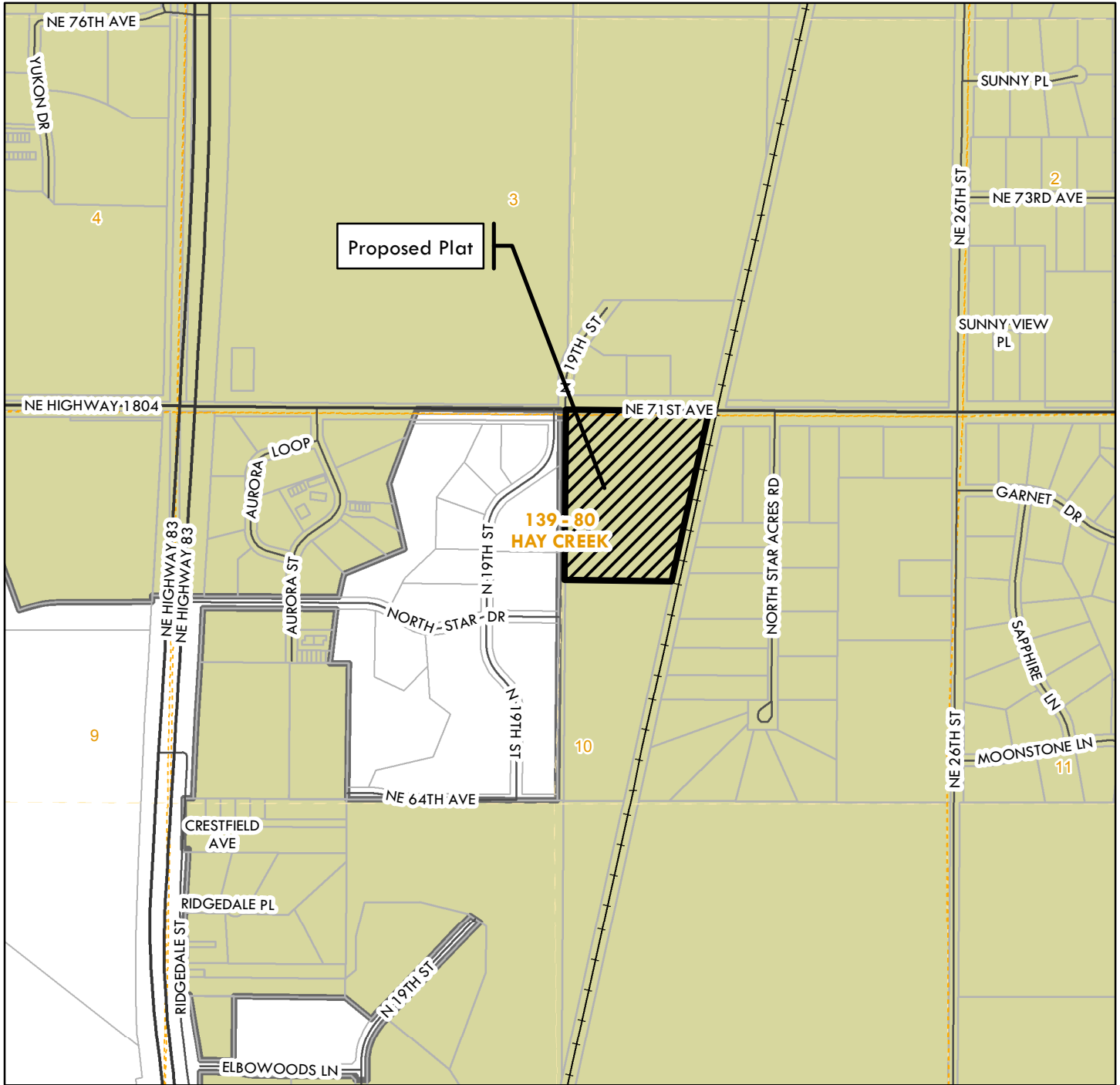
1. Location Map
 2. Zoning and Future Land Use Map
 3. Preliminary Plat
-

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Propose Major Plat and Zoning Change (A to MA) RBK Ventures Subdivision

Project
Location Map



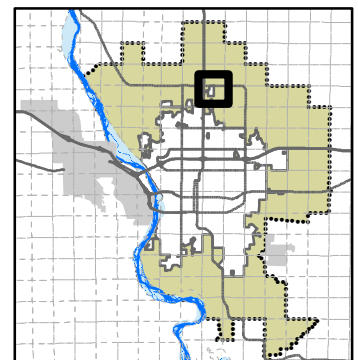
 City Limits  Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 19, 2017 (HLB)

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Proposed Major Plat and Zoning Change (A to MA)

RBK Ventures Subdivision

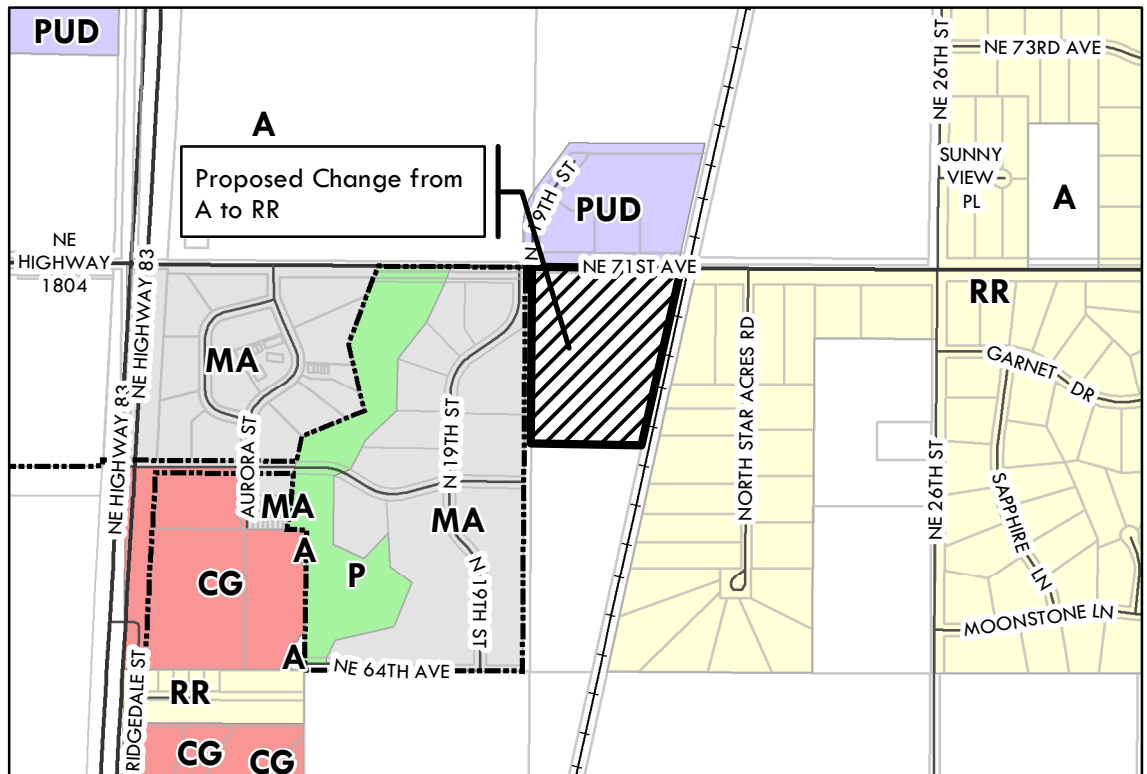
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

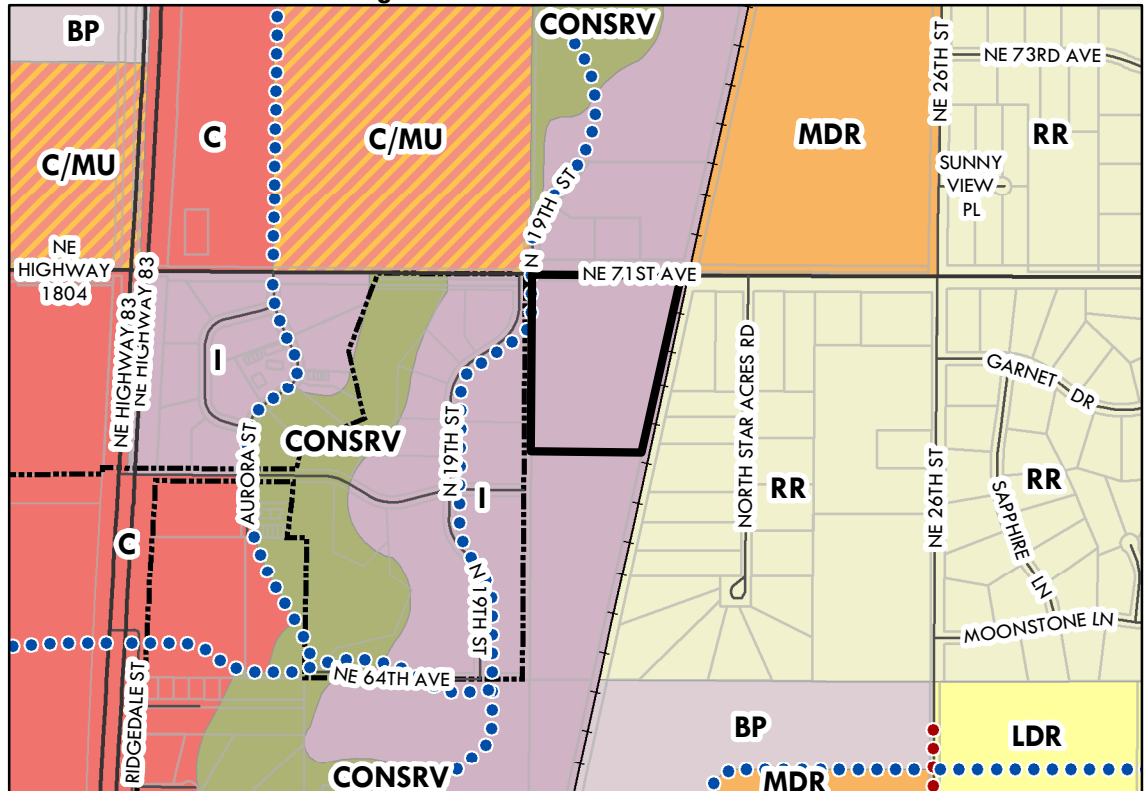
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.175 0.35 0.7 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 19, 2017

BISMARCK, NORTH DAKOTA





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

April 26, 2017

Application for: Future Land Use Plan Amendment
Zoning Change
Major Subdivision Preliminary Plat

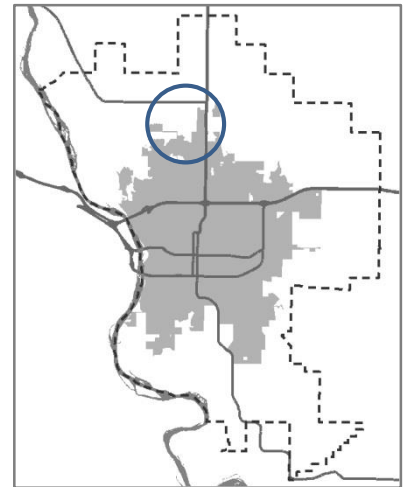
TRAKiT Project ID: FLUP2017-001

ZC2017-005

PPLT2017-003

Project Summary

Title:	Daybreak Medical Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	57 North Investors, LLP Ron and Ruth Knutson
Project Contact:	Dave Patience, Swenson, Hagen & Company, P.C.
Location:	Northwest Bismarck, along the east side of North Washington Street north of, and at the intersection with, 57 th Avenue NE.
Project Size:	38.6 acres
Request:	Plat, zone and annex property for the future development of medical, office and neighborhood commercial land uses.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel and part of another	Number of Lots:	4 lots in 2 blocks
Land Use:	Undeveloped/agricultural	Land Use:	Mix of office and neighborhood commercial
Designated GMP Future Land Use:	Medium Density Residential	Designated GMP Future Land Use:	Office/Mixed Use
Zoning:	A – Agricultural	Zoning:	RT – Residential Conditional CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential	Uses Allowed:	RT – Offices and multi-family residential Conditional CA – Neighborhood commercial
Max Density Allowed:	RT – 30 units / acre	Max Density Allowed:	RT – 30 units / acre Conditional CA – 30 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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(continued)

Staff Analysis

The applicants are requesting approval of a Future Land Use Plan amendment to change the classification of this property from Medium Density Residential to Office/Mixed Use. The proposed amendment is necessary to support the zoning districts proposed.

The applicants are also requesting approval of a zoning change and preliminary plat to allow the future development of a mix of medical, office and neighborhood commercial uses on the property.

Adjacent land uses include undeveloped land to the south across 57th Avenue NE, rural residential uses to the west across North Washington Street, undeveloped agricultural land to the north, and the future St. Mary's high school and related facilities to the east.

Although the applicants originally requested CA – Commercial zoning for the entire plat, staff indicated that we could not support that much commercial in this location based on the Future Land Use Plan and the fact that the entire eastern half of this section is already identified as Commercial or Commercial Mixed Use. While staff indicated we could support a small amount of CA – Commercial in this location, the southern block (Block 1) was split into three lots. Staff can support Conditional CA – Commercial zoning on either Lot 1 or 2 of Block 1, but not on both. Staff will continue to work with the applicant on the location of the conditional CA – Commercial zoning and the development of a Conditional CA – Commercial district that meets the needs of both the applicant and the City.

There are also some unresolved issues regarding the provision of municipal services to the proposed subdivision and pedestrian access in the area, but it is expected that these issues will be resolved prior to a public hearing being scheduled on these items.

Required Findings of Fact (relating to land use)*Future Land Use Plan Amendment*

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;

3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Zoning Change

1. The proposed zoning change would generally conform to the Future Land Use Plan in the 2014 Growth Management Plan, if the proposed amendment is approved;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

(continued)

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts. If any of the property is developed as residential, the requirements of the neighborhood parks and open space policy would be applied;
4. As the proposed uses have not been identified, staff cannot determine if the proposed subdivision would have a substantial effect on circulation and safety of public roadways in the vicinity; therefore, no traffic impact study is required at this time, but may be required in conjunction with the application for site plan approval.
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends a calling for a public hearing on the proposed Future Land Use Plan amendment to change the designation of the property from Medium Density Residential (MDR) to Office/Mixed Use (OMU), calling for public hearing on the proposed zoning change from the A – Agricultural zoning district to the RT – Residential and Conditional CA – Commercial zoning districts, and tentative approval of the preliminary plat for Daybreak Medical Addition, with the understanding that the following issues need to be resolved prior to a public hearing being scheduled:

1. The location of the proposed Conditional CA – Commercial is identified and a draft zoning ordinance outlining the specific conditions is drafted by staff in coordination with the applicants;
2. Outstanding concerns regarding the provision of municipal services and pedestrian facilities are resolved.

Attachments

1. Location Map
2. Zoning and Future Land Use Map
3. Future Land Use Plan Amendment Narrative
4. Preliminary Plat

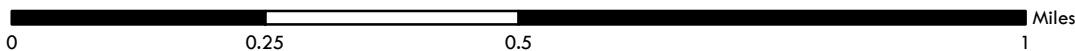
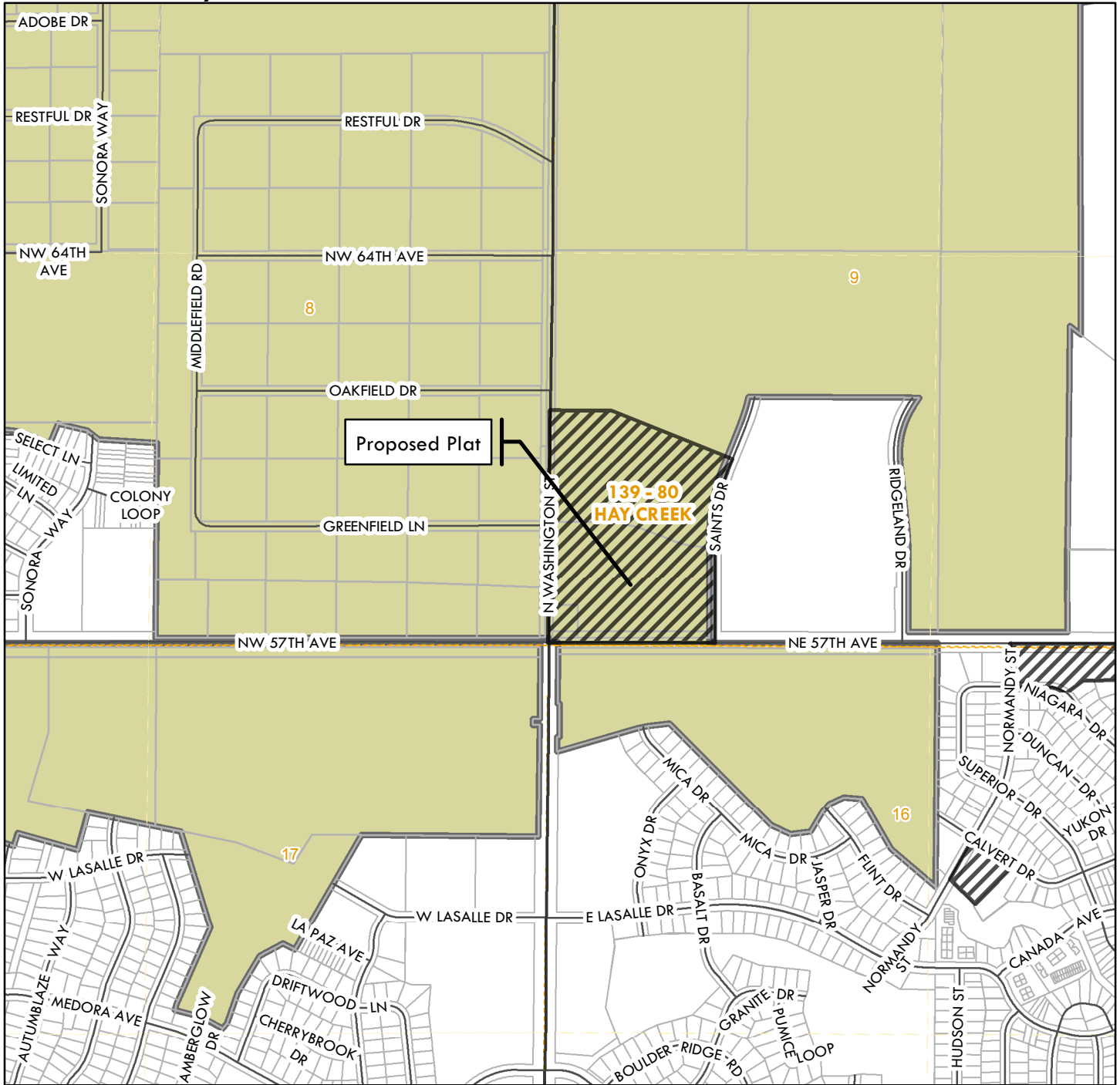
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

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Proposed Major Plat, Annexation, Future Land Use Plan Amendment and Zoning Change (A to RT and CA) Daybreak Medical Addition

Project
Location Map



City Limits



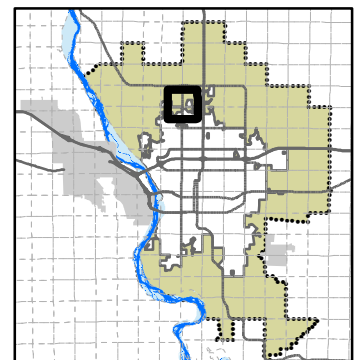
Bismarck ETA Jurisdiction

Section, township, and
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City of Bismarck
Community Development Department
Planning Division
April 19, 2017 (HLB)

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Proposed Zoning Change (A to RT) and FLUP Change

Daybreak Medical Addition

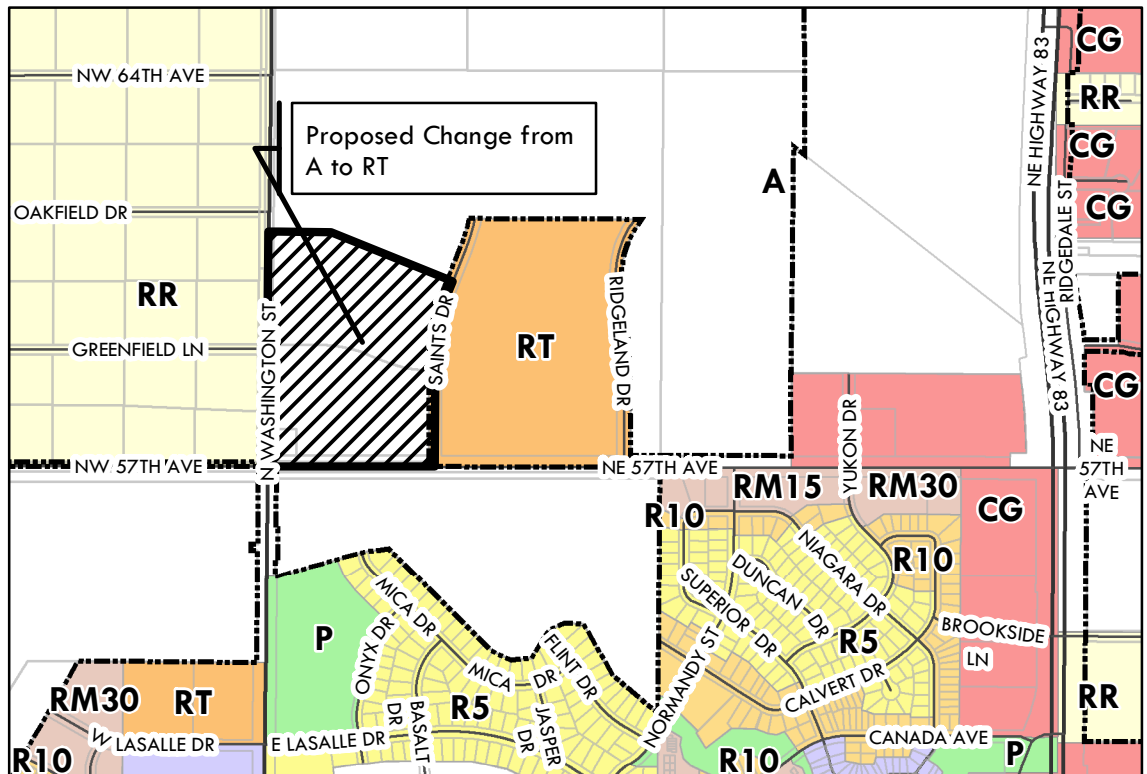
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
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CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

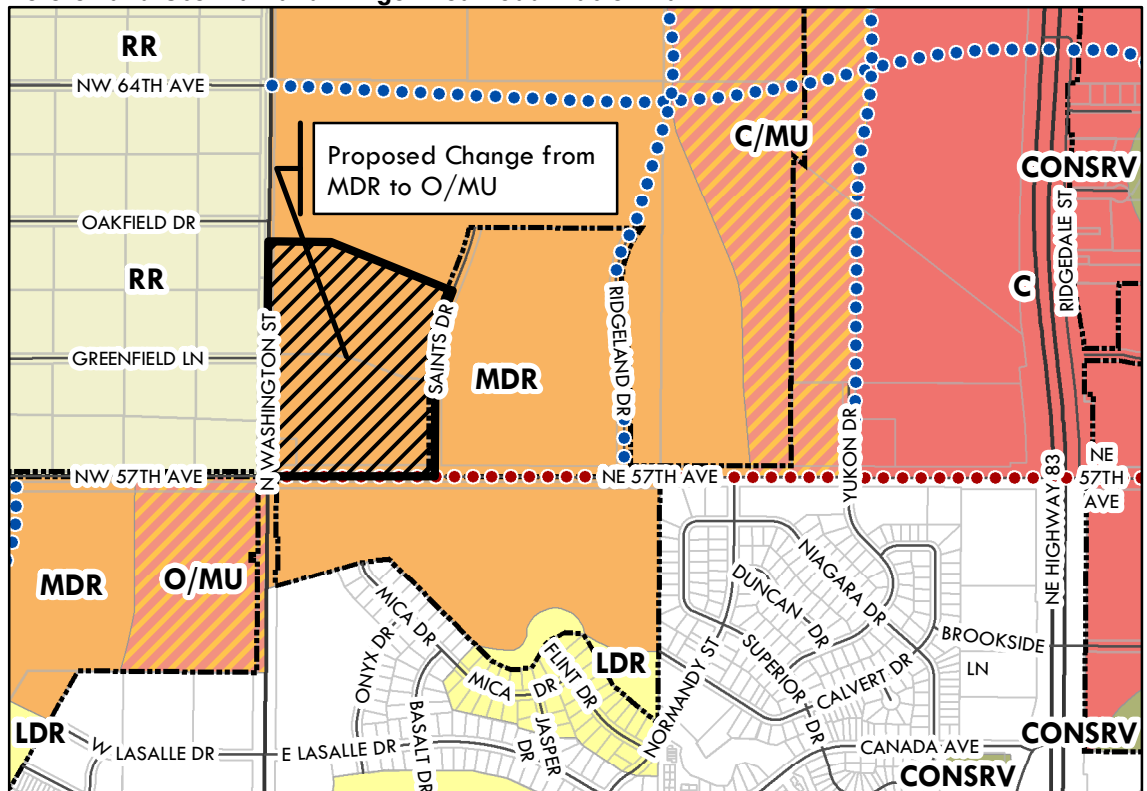
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.2 0.4 0.8 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 19, 2017

Land Use Plan Amendment

57 North Addition

Medium Density Residential to Office Mixed Use

The City of Bismarck Future Land Use Plan along North Washington Street shows the existing rural residential along the west side of Washington Street and proposed medium density residential along the east side of North Washington Street. The Future Land Use Plan does not identify the Light of Christ High School Complex. The Future Land Use Plan should be revised due to the proposed Light of Christ Complex being constructed ¼ mile east of Washington Street along 57th Avenue.

In an effort to anticipate the long range future land use of this area and to accommodate the anticipated traffic volumes at the intersection of North Washington Street and 57th Avenue NW we are requesting a designation of Office Mixed Use for that area adjoin the north side of 57th Avenue and the east side of Washington Street.

We are aware that on a temporary basis the existing use along the west side of North Washington Street has been limited to low density rural residential housing. These units will in the near future become economically available for transitional uses and will be subject to zoning change requests. As is the case along North Washington south of 57th Avenue. In anticipation of this we intend to establish an RT Residential Zoning District with the following Conditional CA Commercial zoning.

We are restricting the proposed zoning as follows:

1. The total building height shall be limited to two stories in height.
2. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off site impacts to the adjacent residential uses.
3. Illuminated signs will be designed and installed in a manner intended to limit the amount of off site impacts to the adjacent residential uses and will be directed towards North Washington Street.
4. The proposed buildings will be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses.

The proposed zoning change would be compatible with adjacent land uses provided the conditions outlined in the Conditional CA Commercial are met.

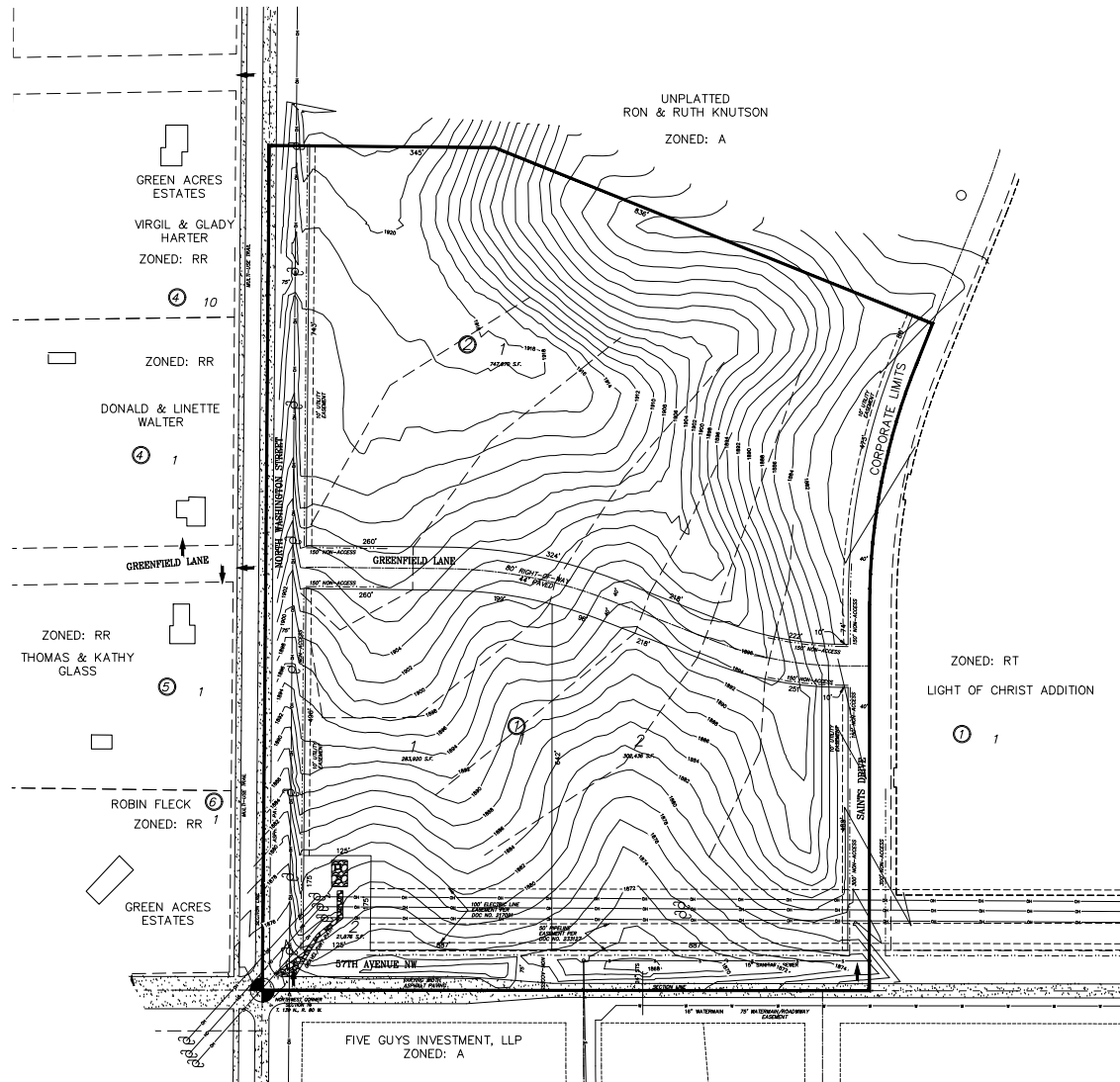
DAYBREAK MEDICAL ADDITION

PART OF THE SOUTHWEST 1/4 OF SECTION 9
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP



38.6 ACRES

EXISTING ZONING: AG

PROPOSED ZONING: CA/RT

OWNER: 57 NORTH INVESTORS, LLP
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

MARCH 23, 2017



SWENSON, HAGEN & COMPANY P.C.
307 Basin Avenue
Bismarck, North Dakota 58504
dsh@swensonhagen.com
Phone (701) 221-2000
Fax (701) 221-2000
Services:
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

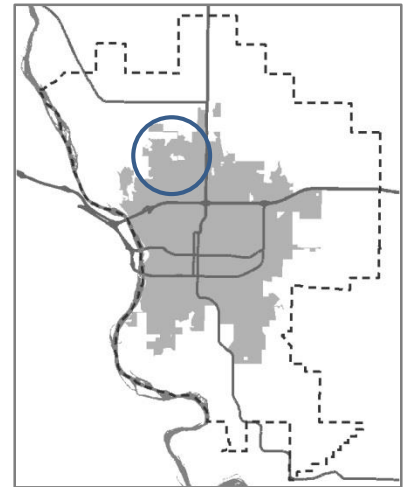
April 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-006

Project Summary

<i>Title:</i>	Lot 1, Block 1, Good Shepherd North Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	IRET Properties
<i>Project Contact:</i>	Jesse Hopkins, Nor-Son, Inc.
<i>Location:</i>	In northwest Bismarck, on the west side of North Washington Street between Medora Avenue and West LaSalle Drive.
<i>Project Size:</i>	18.17 Acres
<i>Request:</i>	Rezone lot from a Planned Unit Development (PUD) zoning district to the RT – Residential zoning district for development of a residential continuum of care facility.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Church
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density</i> <i>Allowed:</i>	PUD – Density specified in PUD

Proposed Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Continuum of Care Facility
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<i>Max Density</i> <i>Allowed:</i>	RT – 30 units / acre

Property History

<i>Zoned:</i>	<i>Conditional-RT:</i> 4/2005 <i>PUD:</i> 11/2012	<i>Platted:</i> 7/2005	<i>Annexed:</i> 7/2005
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(continued)

Staff Analysis

The applicant is requesting a zoning change from a Planned Unit Development (PUD) zoning district to the RT – Residential zoning district for Lot 1, Block 1, Good Shepherd North Addition.

Adjacent land uses include an undeveloped office/multifamily residential site to the north, an undeveloped residentially-zoned site to the east across North Washington Street, an undeveloped site to the south zoned Conditional RT – Residential, single-family homes to the southwest, and undeveloped multifamily lots to the northwest.

When the Good Shepherd North Addition was first platted in 2005, the area was rezoned to a Conditional RT – Residential zoning district. Certain uses normally allowed in RT were prohibited, including single and two-family homes, health and medical uses, beauty shops, barber shops, and funeral homes. Offices were limited to non-medical firms. Building heights were limited to fifty feet, and the size of building footprints was limited to 10,000 square feet.

A church was constructed on the lot along with the associated parking area and landscaping, but the church ceased operations and the land was sold to another party.

A new property owner intended to continue development of the lot with multifamily housing, using the existing church structure for common areas. A Planned Unit Development was created in 2012. This development was tied to a specific site plan, which has also been abandoned. The structure and accessory site features remain vacant.

The applicant, Missouri Slope Lutheran Care Center, is in the process of purchasing the lot from the current owner, contingent upon a successful rezoning of the property. They intend to develop a residential continuum of care health care community, including a mix of skilled nursing, assisted living, senior housing, and support services. The applicant intends to preserve greenspace and views on the site.

Staff and the applicants have discussed the possibility of including conditions on the RT – Residential zoning district to ensure the compatibility of the site development with adjacent single-family homes. The applicant intends to seek input from the neighbors before meeting with staff to determine conditions that would be appropriate. Any conditions on the zoning district will be recommended by staff prior to the public hearing on this item.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change may be compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not likely adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the PUD – Planned Unit Development zoning district to the RT – Residential zoning district for Lot 1, Block 1, Good Shepherd North Addition.

(continued)

Attachments

1. Location Map
 2. Zoning and Future Land Use Map
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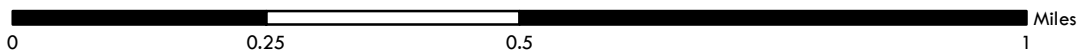
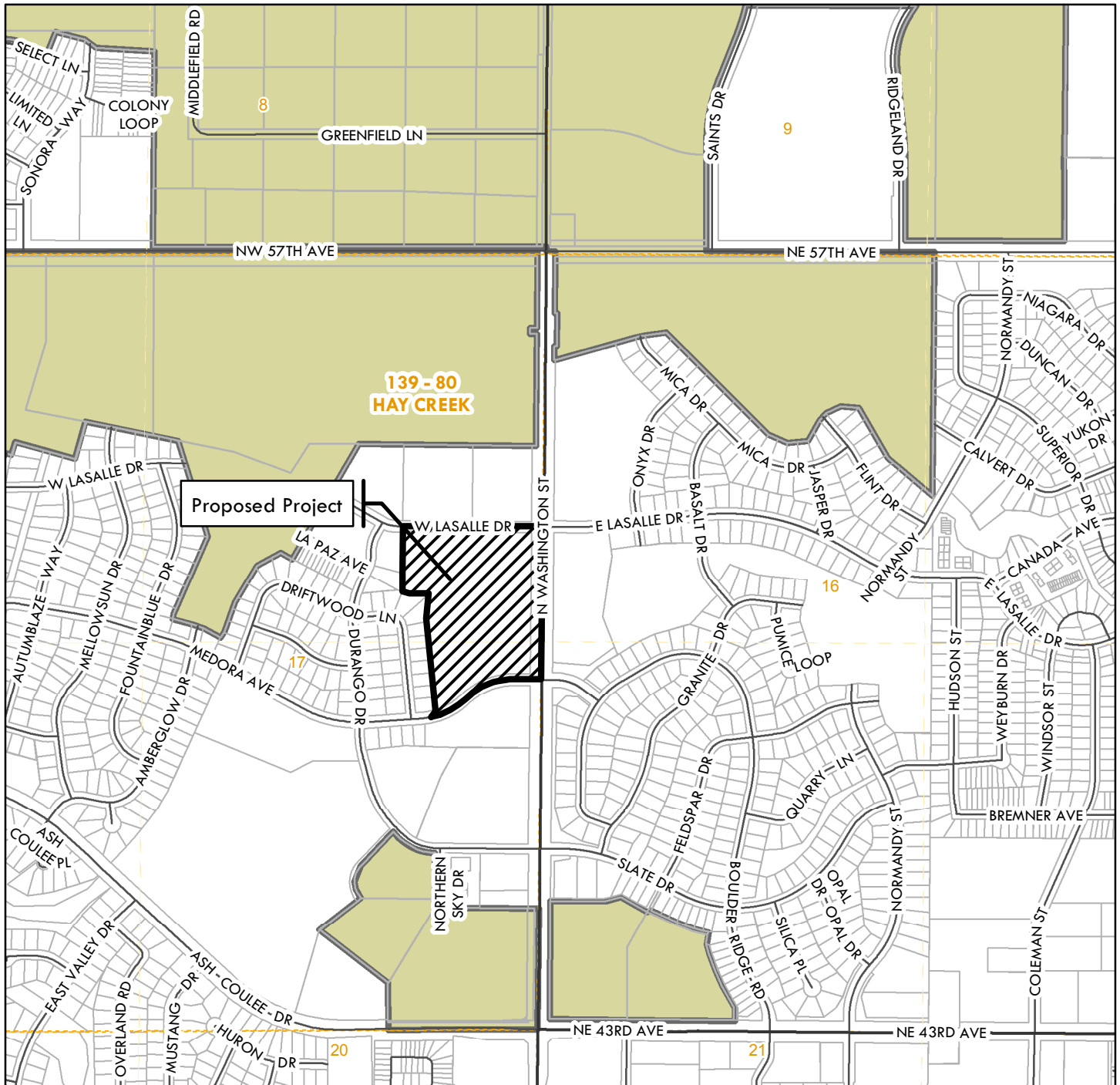
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Proposed Zoning Change (PUD to RT)

Lot 1, Block 1, Good Shepherd North Addition

Project
Location Map



City Limits



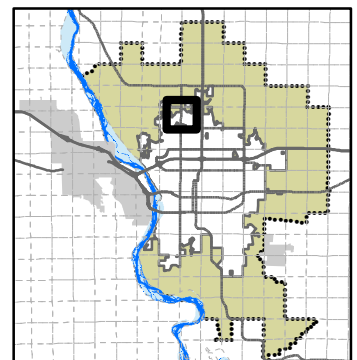
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 27, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Zoning Change (PUD to RT)

Good Shepherd North Addition

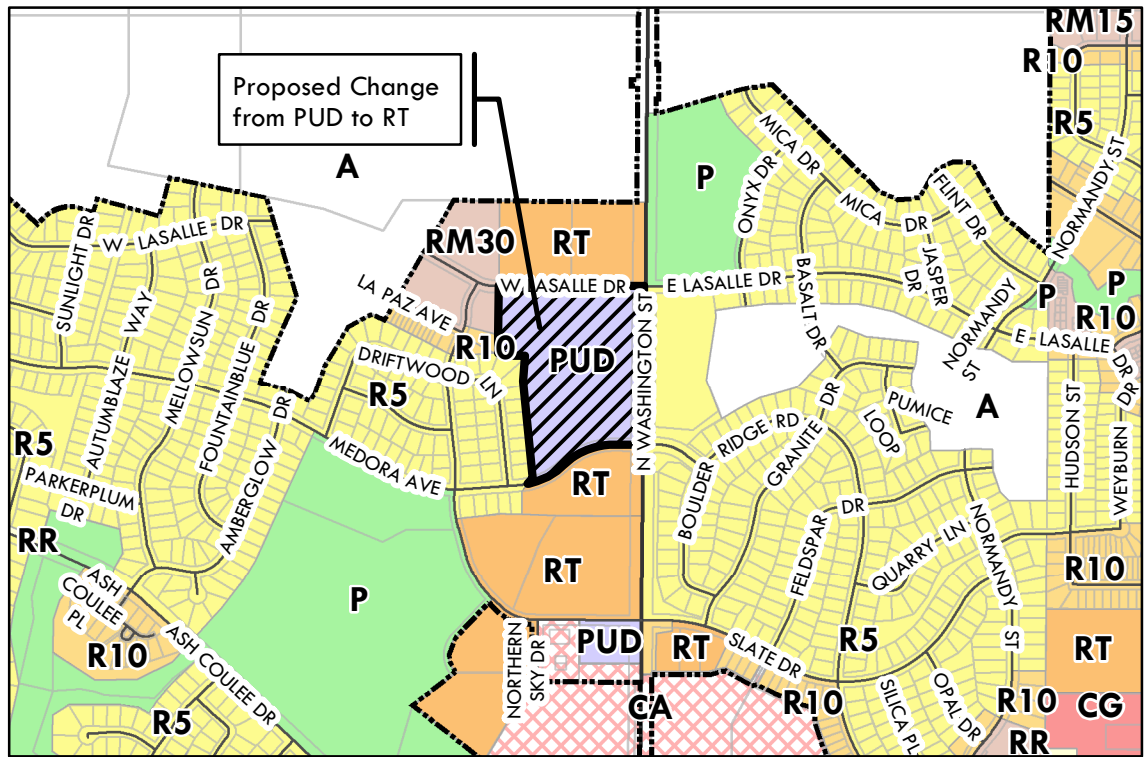
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

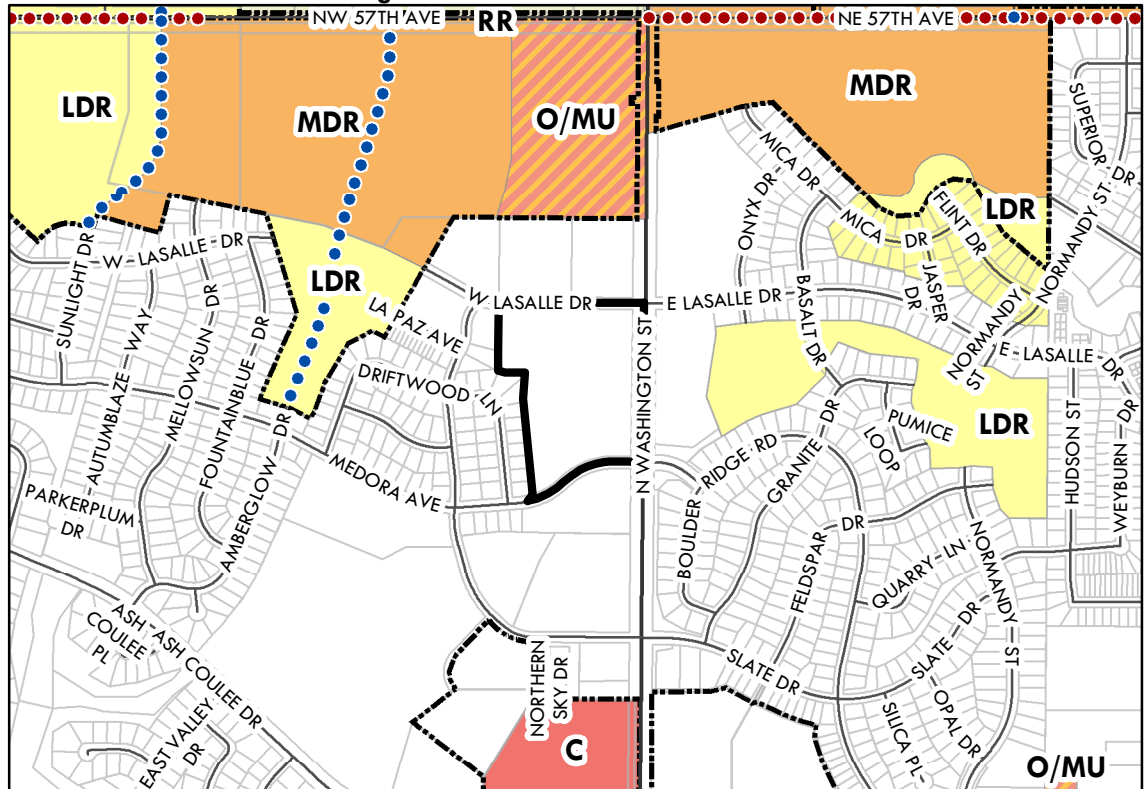
Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.175 0.35 0.7 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 4, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

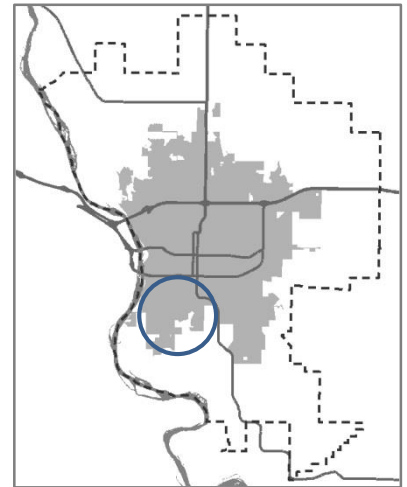
April 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-007

Project Summary

Title:	South Meadows 2 nd Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Chad Wachter, Investcore
Project Contact:	Brad Krogstad, PE, KLJ
Location:	In southwest Bismarck, west of South Washington Street in the southeast quadrant of the intersection of Meridian Drive and West Burleigh Avenue.
Project Size:	1.5 acres
Request:	Rezone property to allow for development of five (5) two-family dwellings.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Lot	Number of Lots:	10 lots in 1 block
Land Use:	One single-family dwelling	Land Use:	Two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	Zoning:	R10 – Residential
Uses Allowed:	R5 – Single-family residential	Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre	Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	10/2009	Platted:	10/2009	Annexed:	N/A
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Staff Analysis

The applicant is requesting a zoning change from the R5 – Residential zoning district to the R10 – Residential

zoning district to allow the development of five (5) two-family dwellings.

The proposed zoning change is in conjunction with a proposed minor subdivision final plat which, if

(continued)

approved, would replat Lot 2, Block 1, Burleigh Avenue Addition into 10 lots for two-family residential development.

Adjacent land uses include single-family residential to the north, across West Burleigh Avenue, one rural residential property to the east, a storm water detention pond and developing two-family residential to the south, and developing single-family to the west across Meridian Drive.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for South Meadows Addition (currently known as Lot 1, Block 1, Burleigh Avenue Addition).

Attachments

1. Location Map
2. Zoning and Future Land Use Map
3. Proposed Minor Plat

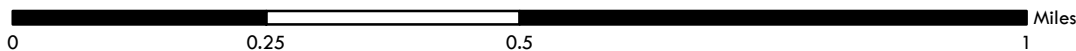
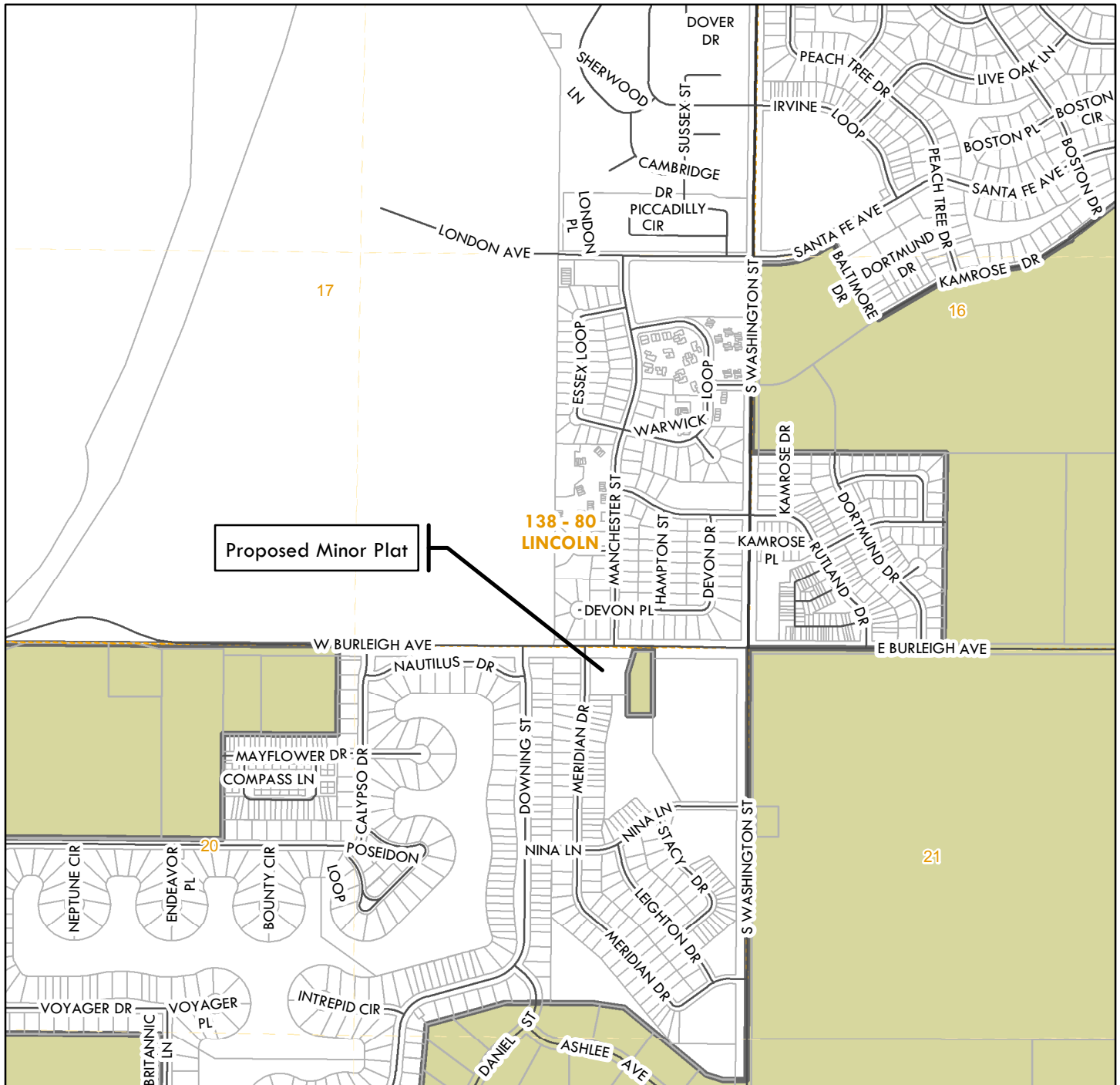
Staff report prepared by: Jenny Wollmuth, CFM

701-355-1845 | jwollmuth@bismarcknd.gov



South Meadows Second Addition Minor Plat and Zoning Change (R5 to R10)

Project
Location Map



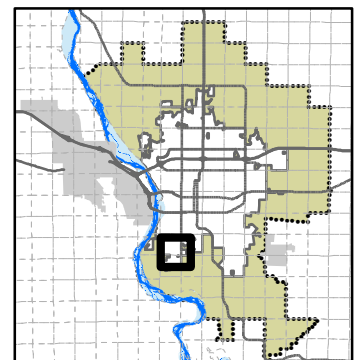
City Limits Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 27, 2017 (HLB)

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Proposed Plat

South Meadows 2nd Addition

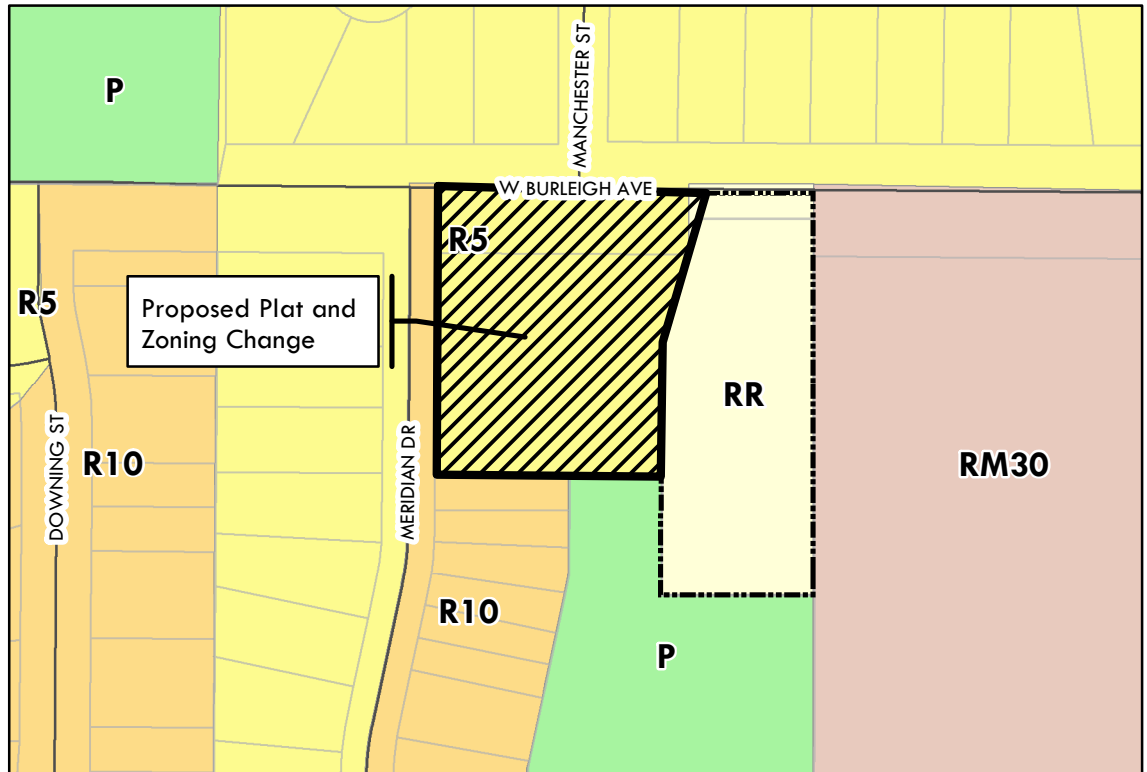
Zoning and Plan Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

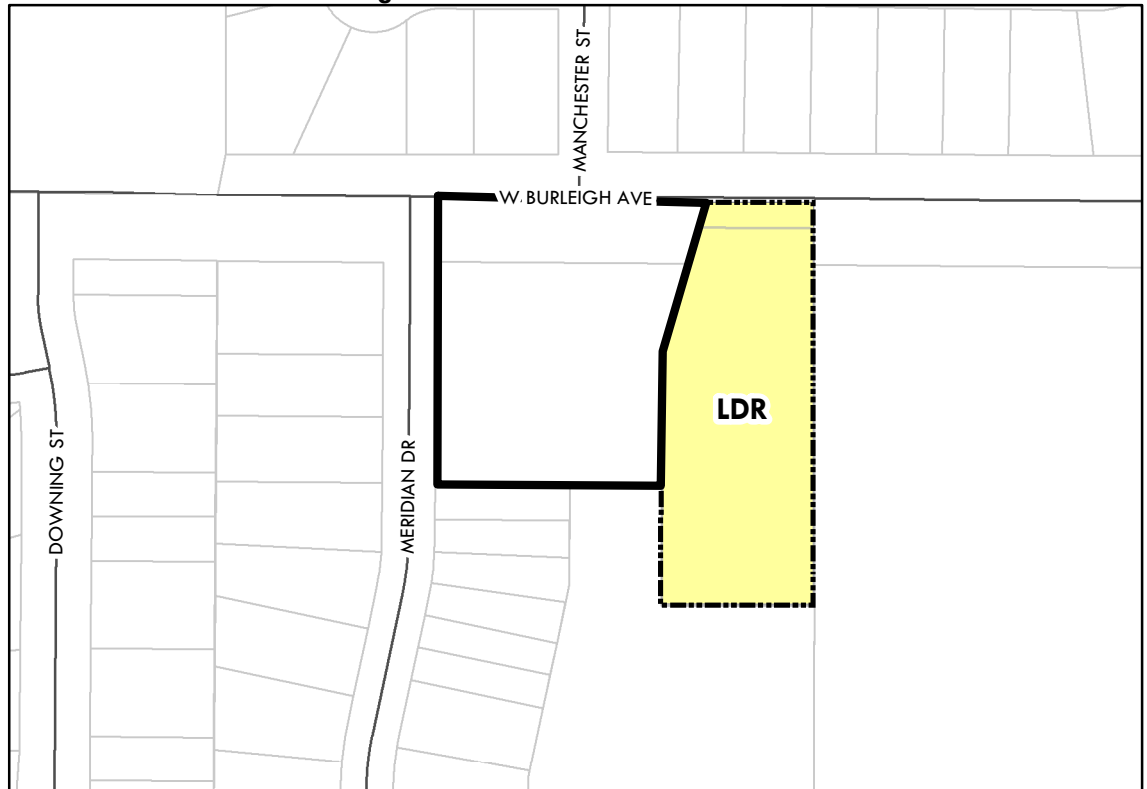
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.0325 0.065 0.13 Miles

City Limits

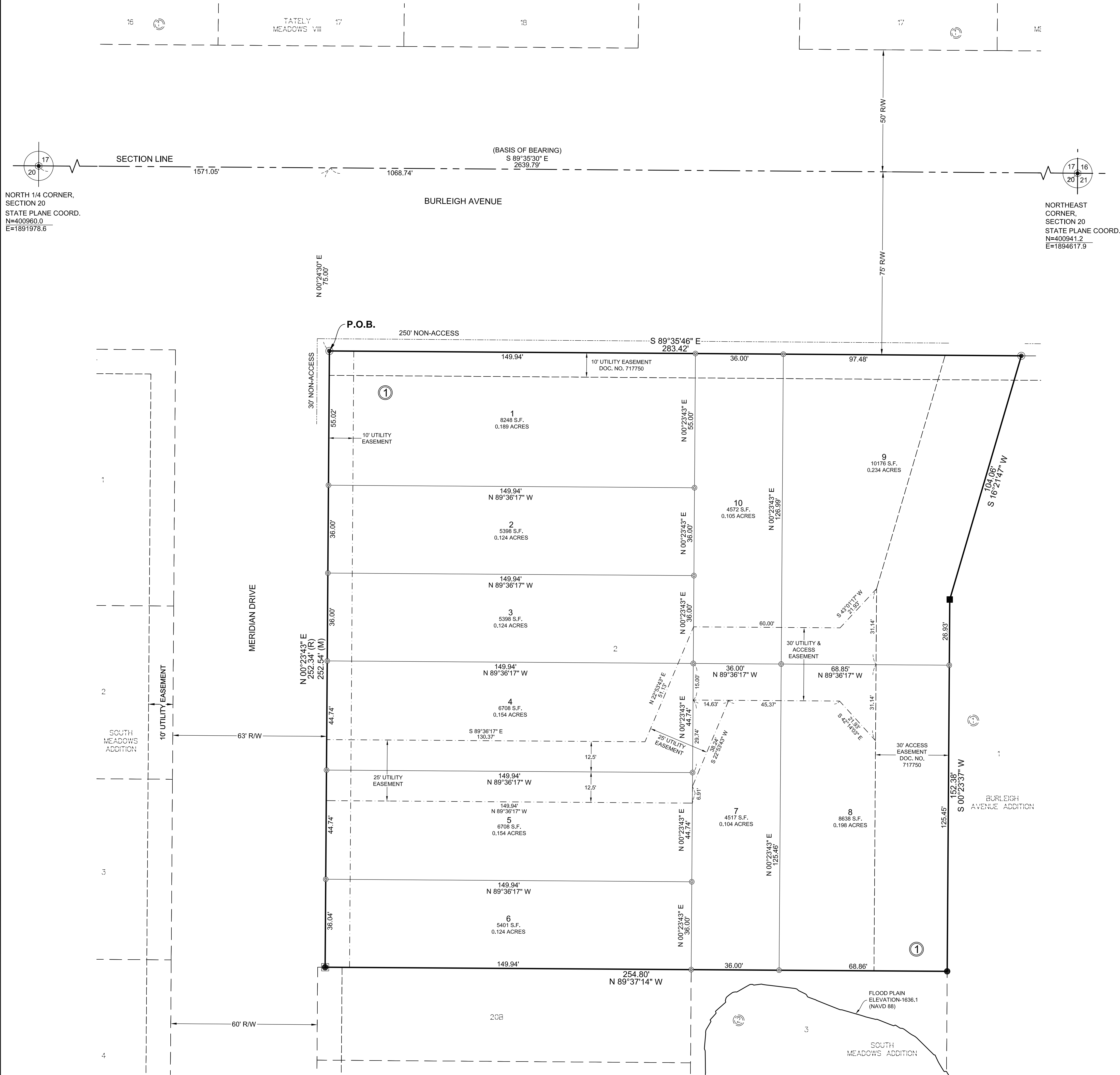
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City of Bismarck
Community Development Dept.
Planning Division
April 20, 2017

SOUTH MEADOWS 2ND ADDITION

BEING A REPLAT OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SURVEYOR:
KLJ
4585 COLEMAN STREET
BISMARCK, NORTH DAKOTA 58503-0431

OWNER:
INVESTCORE, INC.
905 TACOMA AVENUE, SUITE 2
PO BOX 1437
BISMARCK, ND 58502-1437

DESCRIPTION

BEING A REPLAT OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, AS DESCRIBED IN DOCUMENT NO. 717750, RECORDED AT THE BURLEIGH COUNTY RECORDER'S OFFICE, WHICH IS ALSO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG THE NORTH LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, WHICH IS ALSO THE SOUTH RIGHT OF WAY LINE OF BURLEIGH AVENUE, S 89°35'46" E A DISTANCE OF 283.42 FEET, TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION; THENCE ALONG THE EAST LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, S 16°21'47" W A DISTANCE OF 104.06 FEET; THENCE CONTINUING ALONG SAID EAST LINE OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, S 00°23'37" W A DISTANCE OF 152.38 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION; THENCE ALONG THE SOUTH LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, N 89°37'14" W A DISTANCE OF 254.80 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, WHICH IS ALSO THE EAST RIGHT OF WAY LINE OF MERIDIAN DRIVE; THENCE ALONG THE WEST LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, N 00°23'43" E A DISTANCE OF 252.54 FEET TO SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 65763 SQUARE FEET OR 1.510 ACRES.

SURVEYOR'S CERTIFICATE

I, KENT A. ORVIK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 24TH DAY OF FEBRUARY, 2017, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF NORTH DAKOTA }
COUNTY OF }

KENT A. ORVIK
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3463

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED KENT A. ORVIK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

COUNTY, NORTH DAKOTA

MY COMMISSION EXPIRES _____

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK,

THE FOREGOING ACTION OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2017.

ATTEST
KEITH HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTH MEADOWS 2ND ADDITION" AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2017, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION.

IN WITNESS WHEREON ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHAD WACHTER, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS 2ND SUBDIVISION", AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND GAS DISTRIBUTION LINES AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE AND OTHER PUBLIC UTILITIES OR SERVICES ON, ACROSS OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

STATE OF NORTH DAKOTA }
COUNTY OF }

CHAD WACHTER
PRESIDENT
INVESTCORE, INC.

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED CHAD WACHTER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

COUNTY, NORTH DAKOTA

MY COMMISSION EXPIRES _____

NOTES:

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

FLOOD PLAIN INFORMATION:

FLOOD PLAIN ELEVATION - 1636.1 (NAVD 88)

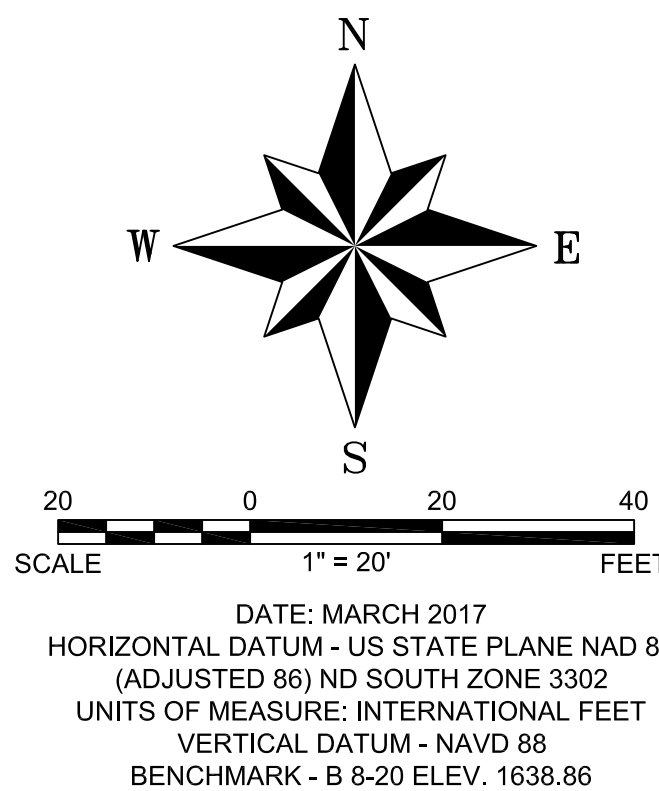
PLAT INFORMATION

- NUMBER OF LOTS: 10
- LOT ACREAGE - 1.510 ACRES
- R.O.W. ACREAGE - 0 ACRES
- TOTAL ACREAGE - 1.510 ACRES

PLAT LEGEND

- DENOTES LOT CORNERS
- 3/4" PIPE FOUND
- REBAR AND LS 3595 CAP FOUND
- REBAR AND LS 3463 CAP SET
- RR SPIKE FOUND
- REBAR FOUND
- EXISTING EASEMENT
- PROPERTY LINE
- BOUNDARY LINE
- LOT LINE
- NON-ACCESS LINE
- EASEMENT LINE

① 1 BLOCK/LOT NUMBERS





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6

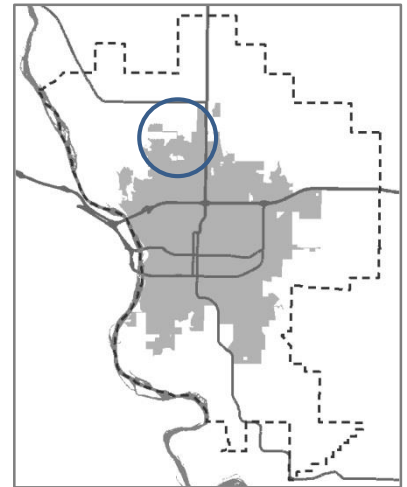
April 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-008

Project Summary

Title:	Lot 19, Block 2, Sonnet Heights Subdivision Second Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Rudy Peltz, 1st Choice Homes, LLC
Project Contact:	Rudy Peltz
Location:	In north Bismarck, between US Highway 83 and Yukon Drive, along the south side of 57th Avenue NE.
Project Size:	56,220 square feet or 1.29 acres
Request:	Rezone property to allow for office and multifamily development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	1 lot in 1 block
Land Use:	Multifamily residential	Land Use:	Office and multifamily residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RM30 – Residential	Zoning:	RT – Residential
Uses Allowed:	RM30 – Multi-family residential	Uses Allowed:	RT – Offices and multi-family residential
Max Density Allowed:	RM30 – 30 units / acre	Max Density Allowed:	RT – 30 units / acre

Property History

Zoned:	12/1980 Sonnet Heights 10/2007 Sonnet Heights Subdivision Second Replat	Platted:	12/1980 Sonnet Heights 10/2007 Sonnet Heights Subdivision Second Replat	Annexed:	04/2007
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Staff Analysis

The applicant is requesting a zoning change from the RM30 – Residential zoning district to the RT –

Residential zoning district to allow for office and multi-family residential development.

(continued)

The applicant previously made a request for a zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district. The Planning and Zoning Commission, at their meeting of January 25, 2017, denied the proposed zoning change.

During the public hearing, Planning staff indicated that they would not support a zoning change that would have higher intensity land uses than those permitted within the RT – Residential zoning district, as they would not be compatible with the adjacent existing single-family and two-family residential land uses. Uses permitted within the RT – Residential zoning district include offices and multi-family residential uses.

Adjacent land uses include, an automobile sales facility to the north (Kupper Chevrolet) across 57th Avenue NE, undeveloped CG – Commercial zoned property to the east, single and two-family dwellings to the south and undeveloped RM30 – Residential zoned property to the west.

A plat note was added to the plat of Sonnet Heights Subdivision Second Replat pertaining to access from 57th Avenue NE at the request of the City Traffic Engineer, and prior to its approval in October 2007. This note states the following:

- “A joint access is allowed on the lot line shared by Lots 18 and 19, Block 2 of the plat with the condition that the zoning of these lots remain as RM30 – Residential or a zoning district of lesser intensity;
- A second joint access is allowed on the lot line shared by Lot 19 of Block 2, Sonnet Heights Subdivision Second Replat and Lot 1 of Block 1, Tree Top Addition and that this access is the only access to 57th Avenue NE from Lot 1, Block 1, Tree Top Addition;
- If lot mergers (combinations) or zoning changes to higher density occurs in this area, the access point shall remain at the location of the lot line shared by Lots 18 and 19, Block 2, Sonnet Heights Subdivision Second Replat; and
- Full access onto 57th Avenue would be allowed until such time as the City Engineer or the City Engineer’s authorized representative

determines that the traffic congestion or safety create the need to restrict this access.”

If the Planning Commission approves the zoning change as proposed, modifications to the location of the joint access easements may be necessary in conjunction with site plan review and approval.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM30 – Residential zoning district to the RT - Residential zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat.

(continued)

Attachments

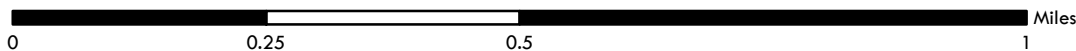
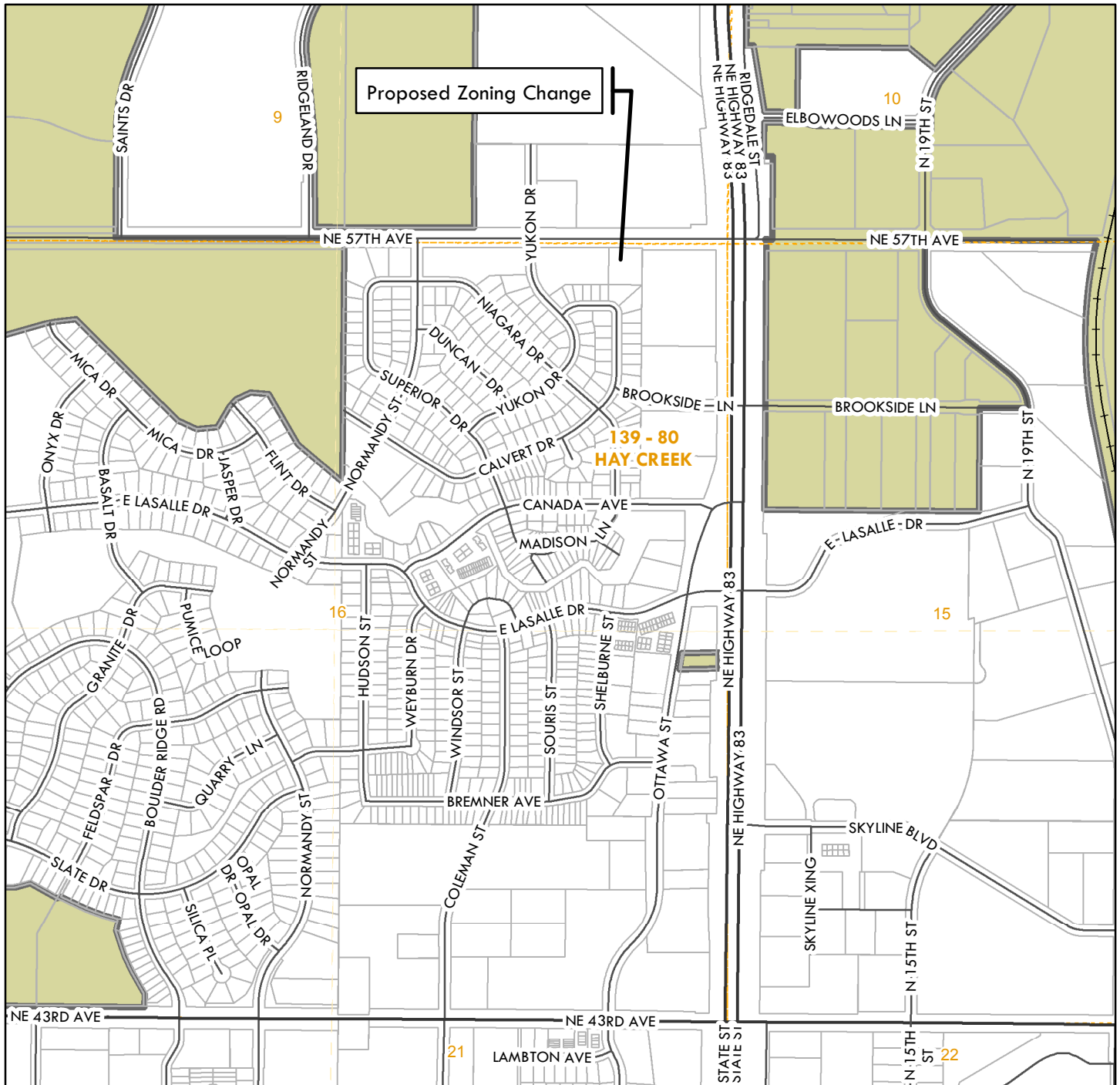
1. Location Map
 2. Zoning and Future Land Use Map
 3. Sonnet Heights Subdivision Second Replat
-

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | wollmuth@bismarcknd.gov



Proposed Zoning Change (RM30 to RT) Lot 19, Block 2, Sonnet Heights Subdivision Second Replat

Project
Location Map



City Limits



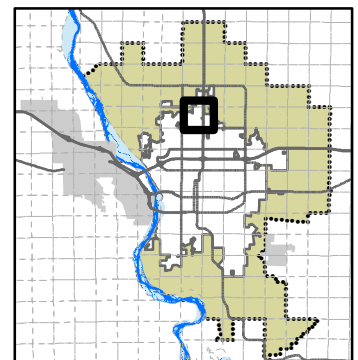
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 29, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.





Proposed Plat

Sonnet Heights Subdivision 2nd Replat

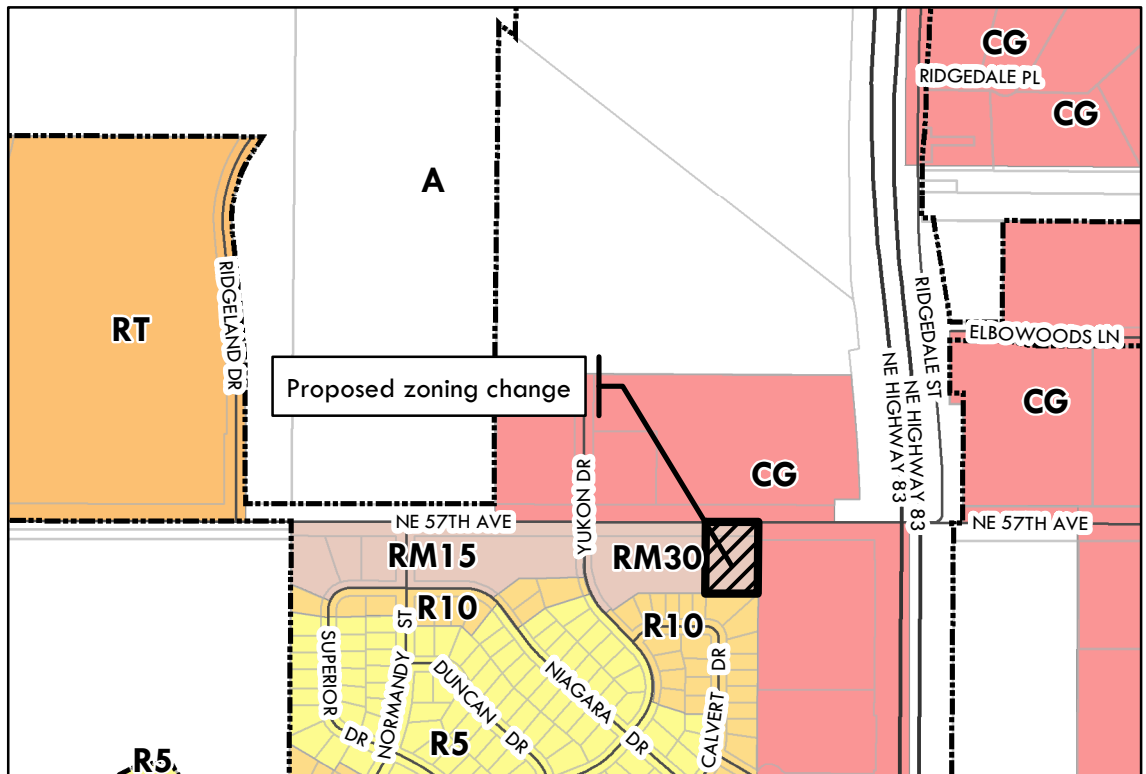
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

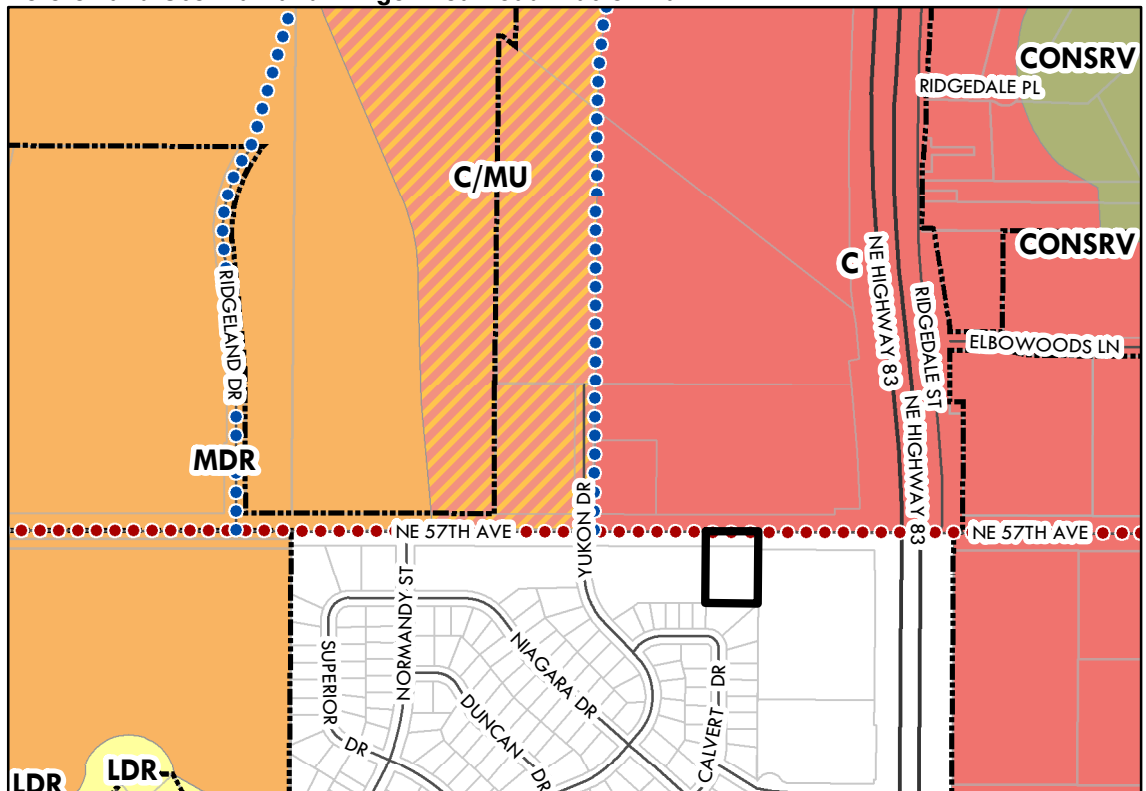
Zoning



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.125 0.25 0.5 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
April 19, 2017

SONNET HEIGHTS SUBDIVISION SECOND REPLAT

BEING A REPLAT OF LOTS 1-12 BLOCK 9
LOTS 1-9 BLOCK 8 AND LOTS 1-12 AND 18-24 BLOCK 6
AND THE ADJOINING BANFF DRIVE AND CALVERT DRIVE,
SONNET HEIGHTS SUBDIVISION
EAST 1/2 SECTION 16, T. 139 N., R. 80 W.,
BURLEIGH COUNTY, NORTH DAKOTA

BISMARCK, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOTS 1-12 BLOCK 9, LOTS 1-9 BLOCK 8 AND LOTS 1-12 AND 18-24 BLOCK 6, BANFF DRIVE, AND PART OF CALVERT DRIVE, SONNET HEIGHTS SUBDIVISION IN THE EAST 1/2, SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 16 SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST A DISTANCE OF 617.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 721.54 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE EAST LINE OF YUKON DRIVE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 166.83 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 304.03 FOOT RADIUS CURVE, AN ARC LENGTH OF 233.48 FEET; THENCE SOUTH 44 DEGREES 21 MINUTES 20 SECONDS EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 200.07 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 271.73 FOOT RADIUS CURVE, AN ARC LENGTH OF 286.91 FEET TO THE NORTHWEST CORNER OF LOT 17 BLOCK 6 SONNET HEIGHTS SUBDIVISION; THENCE SOUTH 73 DEGREES 51 MINUTES 34 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 17, A DISTANCE OF 120.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 6.37 FEET TO THE NORTHWEST CORNER OF LOT 13 BLOCK 6, SONNET HEIGHTS SUBDIVISION; THENCE NORTH 89 DEGREES 38 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 13 AND ITS EASTERLY EXTENSION, A DISTANCE OF 178.05 FEET TO THE EAST LINE OF CALVERT DRIVE; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE EAST LINE OF CALVERT DRIVE, A DISTANCE OF 85.00 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT ON A 319.48 FOOT RADIUS CURVE, CONTINUING ALONG THE EAST LINE OF CALVERT DRIVE, AN ARC LENGTH OF 250.92 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 40 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 15.57 FEET TO THE EAST LINE OF NIAGARA DRIVE; THENCE SOUTH 49 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 25.41 FEET; THENCE SOUTHERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 230.57 FOOT RADIUS CURVE, AN ARC LENGTH OF 197.19 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, CONTINUING ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 452.96 FEET TO THE CENTERLINE OF CANADA AVENUE; THENCE NORTH 89 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF CANADA AVENUE, A DISTANCE OF 547.33 FEET TO THE WEST LINE OF OTTAWA STREET; THENCE NORTH 20 DEGREES 05 MINUTES 39 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 42.69 FEET TO THE NORTH LINE OF CANADA AVENUE; THENCE SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF CANADA AVENUE, A DISTANCE OF 429.50 FEET TO THE WEST LINE OF TREE TOP SUBDIVISION; THENCE NORTH 0 DEGREES 02 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF TREE TOP SUBDIVISION, A DISTANCE OF 1754.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 14.62 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 23rd DAY OF October, 2007, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DAVID BLACKSTEAD - CHAIRMAN
CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 23rd DAY OF October, 2007.

W. C. WOOLLEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION SECOND REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL MONUMENTS REQUIRED TO BE SET PRIOR TO RECORDING HAVE BEEN SET.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
BISMARCK, NORTH DAKOTA 58504

TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 21st DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2010

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2010

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WADE FELTON-JOMANI DEVELOPING, LLC, JAMES R. BOEHM AND NANCY J. LARSON, VIC UTKE-LANDMARK VENTURE CAPITAL, L.L.C., ROLAND HAUX AND R. LANG CONSTRUCTION INC., MARVIN MILLER AND WENDY MILLER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION SECOND REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE STORM WATER & DRAINAGE EASEMENTS TO RUN WITH THE LAND FOR CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO, UNDER, ON, OVER, THROUGH, AND ACROSS SAID EASEMENT FOR SURFACE WATER DRAINAGE AND MANAGEMENT OF STORM WATER FLOW OVER AND/OR UNDER SAID EASEMENT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

WADE FELTON-JOMANI DEVELOPING, LLC
BISMARCK, NORTH DAKOTA 58503
OWNER OF LOTS 1,2,11,12 BLOCK 1
LOTS 9,10,18 BLOCK 2, & LOTS 1-8 BLOCK 3

ON THIS 21st DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED WADE FELTON OF JOMANI DEVELOPING, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2010

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-24-10

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

JAMES R. BOEHM
5342 STAFFORD CIRCLE
PACE, FL 32571
OWNER OF LOT 19 BLOCK 2

ON THIS 19th DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED JAMES R. BOEHM KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

LAURIE PERMITT
My Commission Expires January 16, 2009
Based This Notary Public Service

STATE OF Minnesota)
COUNTY OF Hennepin)

NANCY J. LARSON
221 WEST 42ND STREET
MINNEAPOLIS, MN 55409
OWNER OF LOT 19 BLOCK 2

ON THIS 19th DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED NANCY J. LARSON KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonsurvey.com
Phone (701) 223-2900
Fax (701) 223-2906
Civil Engineering
Land Planning
Landscape & Site Design
Construction Management

JUSTIN HART WHITTEN
Notary Public - Minnesota
Commission No. 31011337
My Commission Expires Jan. 31, 2011

NOTES:

NO SINGLE FAMILY HOME CAN BE BUILT ON ANY LOT WITH LESS THAN 7000 SQUARE FEET.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

THE BASIS OF BEARING IS AN ASSUMED BEARING ALONG THE NORTH SECTION LINE WHICH BEARS S 89°38'40" W. THE STATE PLANE BEARING FOR THIS LINE IS N 89°33'41" W.

CENTERLINE CURVE DATA

NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
A	44°00'00"	60.60	150.00	115.19
B	90°00'00"	50.00	50.00	78.54

LOTS	513,152 S.F.	11.78 ACRES
STREET	124,135 S.F.	2.85 ACRES
TOTAL	637,287 S.F.	14.63 ACRES

MONUMENT TO BE SET

MONUMENT FOUND

DURABLE BENCHMARK:

CORNER OF OTTAWA & CANADA
HYDRANT NUMBER 2563
ELEV. 1813.43
NGVD 29

ACCESS NOTE

A JOINT ACCESS IS ALLOWED ON THE LOT LINE SHARED BY LOTS 18 AND 19 OF BLOCK 2 OF SONNET HEIGHTS SUBDIVISION SECOND REPLAT WITH THE CONDITION THAT THE ZONING OF THESE LOTS REMAINS AS R400 OR OF LESSER INTENSITY.

A SECOND JOINT ACCESS IS ALLOWED ON THE LOT LINE SHARED BY LOT 19 OF BLOCK 2 OF SONNET HEIGHTS SUBDIVISION SECOND REPLAT AND LOT 1 OF BLOCK 1 OF TREE TOP ADDITION. IF CONSTRUCTED, THIS ACCESS SHALL BE THE ONLY ACCESS TO 57TH AVENUE FROM LOT 1 OF BLOCK 1 OF TREE TOP ADDITION.

IF LOT MERGERS OR ZONING CHANGES TO HIGHER INTENSITY OCCUR IN THIS AREA, THE ACCESS POINT SHALL REMAIN AT THE LOCATION OF THE LOT LINE SHARED BY LOTS 18 AND 19 OF BLOCK 2 OF SONNET HEIGHTS SUBDIVISION SECOND REPLAT.

FULL ACCESS ONTO 57TH AVENUE WOULD BE ALLOWED UNTIL SUCH TIME AS THE CITY ENGINEER OR THE CITY ENGINEER'S AUTHORIZED REPRESENTATIVE DETERMINES THAT TRAFFIC CONGESTION OR SAFETY CREATE THE NEED TO RESTRICT THIS ACCESS.

STATE OF South Dakota)
COUNTY OF Lawrence)

ON THIS 6th DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED VIC UTKE OF LANDMARK VENTURE CAPITAL, L.L.C., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Richard V. Furush
Notary Public
Lawrence County, South Dakota
My Commission Expires October 17, 2009

STATE OF ARIZONA)
COUNTY OF MOHAVE)

ON THIS 14th DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED ROLAND HAUX KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Richard V. Furush
Notary Public
Burleigh County, North Dakota
My Commission Expires 12/31/2011

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS 27th DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED ROSS LANG OF R. LANG CONSTRUCTION, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

JANELLE M. HAGER
Notary Public
State of North Dakota
My Commission Expires Feb. 20, 2009

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

MARVIN MILLER
4340 HIGHWAY 1806
MANDAN, NORTH DAKOTA 58554
OWNERS OF LOTS 9&10 BLOCK 1

ON THIS 28th DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED MARVIN MILLER AND WENDY MILLER KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

JANELLE M. HAGER
Notary Public
State of North Dakota
My Commission Expires Feb. 20, 2009

Janelle M. Hager
Notary Public
Burleigh County, North Dakota
My Commission Expires 2/20/09

NW CORNER OF THE
NE 1/4 SECTION 16
T. 139 N. R. 80 W.
S 89°38'40" W
1290.63'

STATE PLANE COORD.
NAD 83
N 437,870.8
E 1,898,995.7

S 89°38'40" W 721.54'

NE CORNER OF THE
NE 1/4 SECTION 16
T. 139 N. R. 80 W.
S 89°38'40" W
617.00'



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7

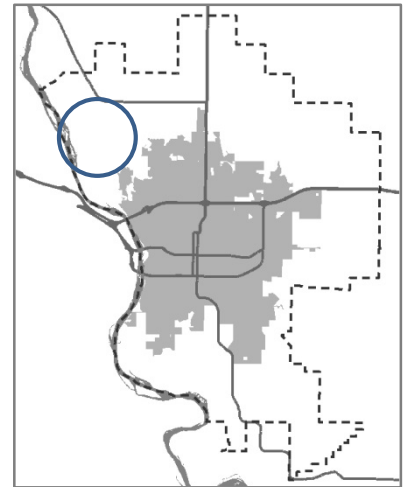
April 26, 2017

Application for: Major Subdivision Preliminary Plat

TRAKiT Project ID: FPLT2016-011

Project Summary

Title:	Freedom Ranch Subdivision
Status:	Planning & Zoning Commission – Public Hearing (continued)
Owner(s):	Sharon Spaedy (Current Owner) Great Plains Land (Applicant)
Project Contact:	Dave Patience, Swenson, Hagen & Company, P.C.
Location:	Northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.
Project Size:	13.21 acres
Request:	Plat property as one rural residential lot.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Unplatted	Number of Lots:	1 lot in 1 Block
Land Use:	Undeveloped	Land Use:	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	Platted:	N/A	Annexed:	N/A
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(continued)

Staff Analysis

The proposed plat is being requested to allow development of one single-family rural residential home in a one lot subdivision.

Prior Board Actions

The Planning and Zoning Commission tentatively approved the preliminary plat for Freedom Ranch Subdivision and recommended scheduling a public hearing for the proposed zoning change at their meeting of December 21, 2016.

The Planning and Zoning Commission held a public hearing on February 22, 2017 and continued action on the proposed final plat in order to provide the Hay Creek Board of Supervisors time to review and provide a recommendation on the revised final plat.

The Planning and Zoning Commission met on March 22, 2017 and again continued action on the proposed final plat in order to provide time for County and City staff to review outstanding public safety access concerns brought up during the meeting.

On March 28, 2017, staff from the City of Bismarck, Burleigh County, and Bismarck Rural Fire, as well as a representative from Hay Creek Township met to review policies and regulations with regards to the proposed access and safety concerns. At the conclusion of that meeting, all representatives were still in agreement that the access meets all current ordinance requirements as it is an existing access easement.

Access

Section 14-02-03 of the City Code of Ordinances (Definitions) states, "a zoning lot must have a dedicated public right-of-way or permanent, exclusive, non-obstructed access easement to a dedicated public right-of-way, not less than twenty feet wide." A copy of this section of the ordinance is attached.

The proposed subdivision would be accessed through a series of physical access easements and legal access easements starting from Sandy River Drive to the proposed subdivision. An existing access easement exists for a portion of the proposed access route. The remaining portion of the proposed access route is located over the northern 20 feet of Government Lot 1,

Section 24, T139N-R81W/Hay Creek Township which is located directly to the east of the proposed subdivision. This physical access is an unimproved access and is located on land which will be owned by the applicant once the final plat is recorded. An access easement has been signed and will be recorded to provide legal use of the current physical access facility to the proposed subdivision. This access easement will also legitimize the use by the two rural residences located on unplatted lots located to the northwest of the proposed subdivision, that are currently using the physical access. This easement stipulates that the access easement will be terminated upon future development of Fernwood Drive. A copy of this easement is attached.

Fernwood Drive, which follows the section line, is currently not improved from approximately 650 feet north of the proposed plat to the northern boundary of the plat. Right-of-way has only been platted for portions of this 650 feet, and the rest is covered by the 66 feet of statutory section line right-of-way. The development and extension of Fernwood Drive was determined to not be feasible at this time, however it is identified as a future arterial in the Fringe Area Road Master Plan.

Although no new public right-of-way will be dedicated with the proposed plat, Burleigh County was consulted regarding the proposed means of access to the proposed plat. The Planning Division of the Community Development defers to the County Engineer for rights-of-way/access to properties located within the extraterritorial area. A waiver from Burleigh County's Gravel Road Improvement Policy was granted by the Burleigh County Commission at their October 17, 2016 meeting and was modified to be consistent with the proposed final plat at their February 6, 2017 meeting.

Safety Concerns

Emergency Combined Communications noted that the lack of public roads in this plat may be a public safety issue. Additionally, they indicated that access needs to be able to support emergency vehicle access.

Bismarck Rural Fire was consulted to review and provide feedback about the use of the private access easements for the proposed plat. In a letter dated February 1, 2017, Fire Chief Michael Voight indicated

(continued)

that Rural Fire has concerns about the current physical construction of the road within the private easement and requested that the access be improved to support emergency vehicle access year round. Additionally, emergency response time was indicated as a safety concern. He indicated that all properties served off the access easement should be adequately signed to avoid address confusion during an emergency call. A copy of this letter is attached.

Concurrence

The Hay Creek Board of Supervisors has provided a recommendation for approval for the proposed final subdivision plat with the following notes:

1. We acknowledge the “private access” currently used by multiple (5+/-) parties, will continue to be utilized, maintained and serviced privately.
2. The Township agrees with Rural Fire – access roads should be upgraded to Township/County standards- this is recommended but not mandated as the associated costs would be borne by the benefitting property owners. At a minimum, additional signage should be installed for directional clarification of individual home ownership.
3. In the future, should Fernwood Drive be extended south (as additional/primary access) developmental issues and costs will be funded by the developer.

Floodplain Development

The entire proposed subdivision is located within the SFHA or 100-year floodplain. Development within this area must comply with Section 14-04-19 of the City Code of Ordinances (FP – Floodplain District). In addition, a Floodplain Development Permit must be obtained prior to any development.

For RR-Residential zoned properties abutting the Missouri River, additional development standards apply. Section 14-04-01(11) of the City Code of Ordinances (RR Residential District) states that at all structures and on-site sewage treatment facilities shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River has indicated on

the plat. The ordinary high water mark is delineated on the plat and is defined as “the elevation of the Missouri River at a flow rate of 33,000 cubic feet per second.” A copy of this section of the ordinance is attached.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat;
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the final plat of Freedom Ranch Subdivision.

Attachments

1. Section 14-02-03 of the City Code of Ordinances
2. Section 14-04-01(11) of the City Code of Ordinances
3. Location Map
4. Zoning and Future Land Use Map
5. Final Plat
6. Preliminary Plat
7. Hay Creek Township Resolution
8. Access Easement
9. Bismarck Rural Fire Department Correspondence, dated February 1, 2017

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Section 14-02-03

Lot-Zoning: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this article, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated and having its principal frontage on a dedicated public right-of-way or a permanent, exclusive, nonobstructed access easement to a dedicated public right-of-way, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" and may consist of: 1) a single record lot; 2) a portion of a record lot; or 3) a combination of complete record lots, or complete record lots and portions of record lots, or portions of record lots.

Section 14-04-01(11)

Additional Development Standards for Land Abutting the Missouri River. In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after November 25, 2003:

- a. Structure Setbacks. All structures shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- b. Design Criteria. Structures should be placed and designed in a manner as to reduce visibility as viewed from the river and adjacent shoreland by vegetation, topography or the color of the structure, assuming summer, leaf-on conditions.
- c. Impervious Surface Coverage. The percentage of lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent of the lot area.
- d. On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- e. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on posts/pilings or placed in the ground, provided they are designed and built in a manner than controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.
- f. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.
- g. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.
- h. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

i. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted in order to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

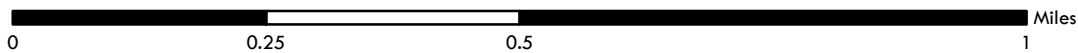
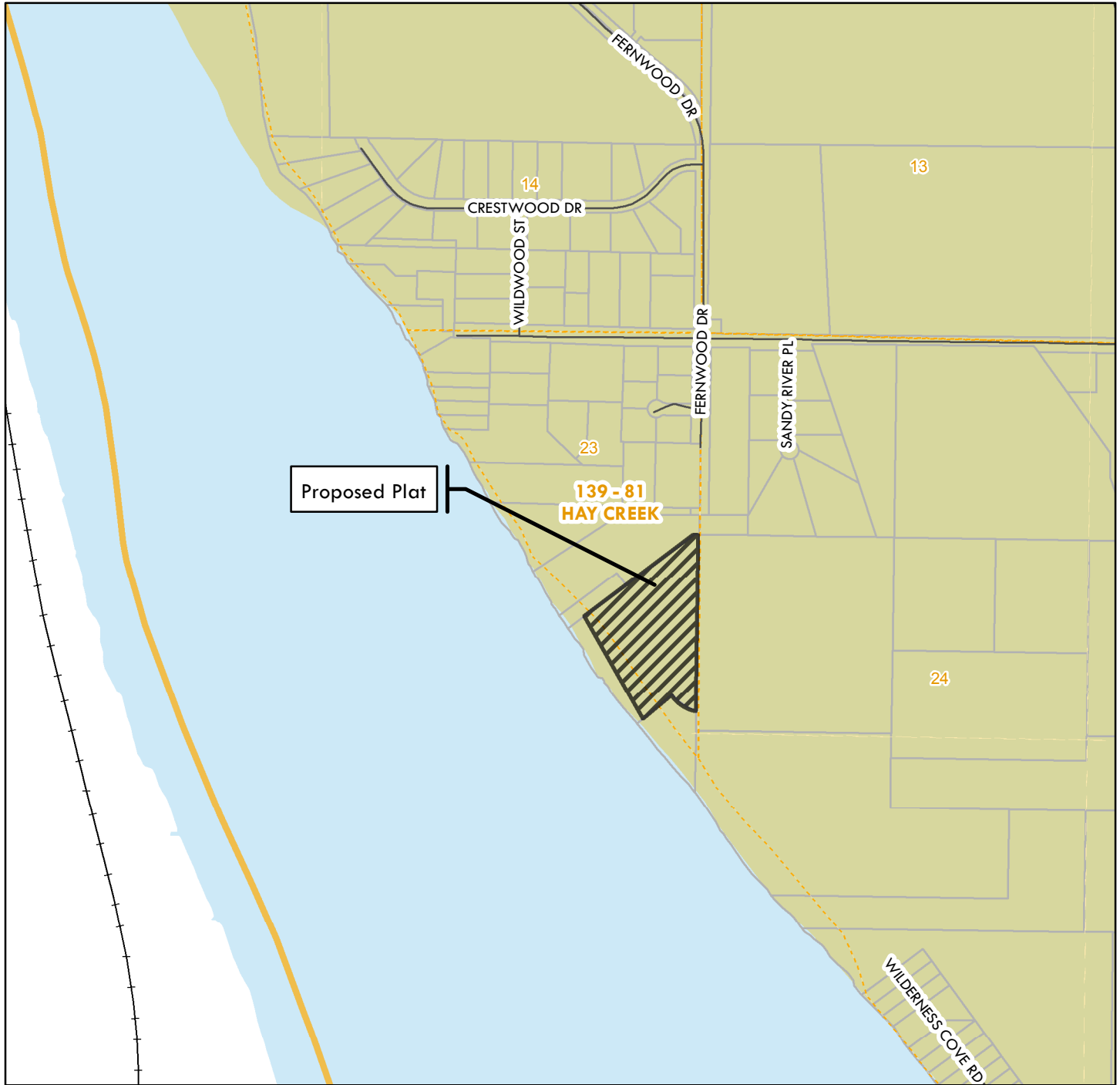
j. Topographic Alterations Above the Ordinary High Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards: 1) alterations shall not adversely affect adjacent or nearby properties; and 2) alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

k. Topographic Alterations Below the Ordinary High Water Mark. All topographic alterations below the ordinary high water mark must be approved by the United States Army Corps of Engineers.



Freedom Ranch Subdivision

Project
Location Map



City Limits

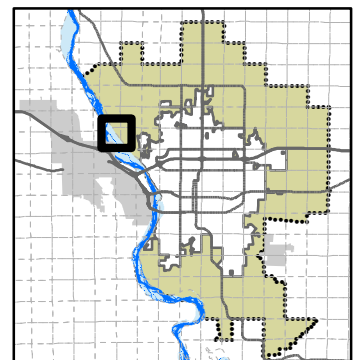
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 31, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Plat

Freedom Ranch Subdivision

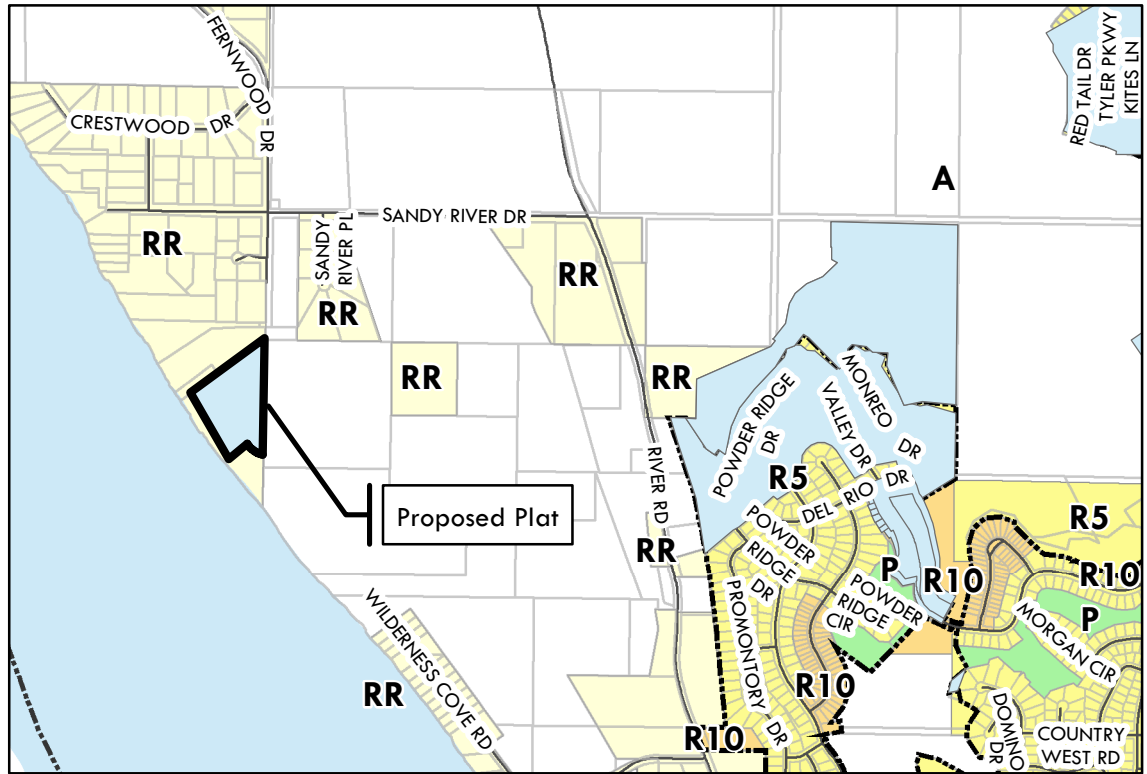
Zoning and Plan
Reference Map

Zoning Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

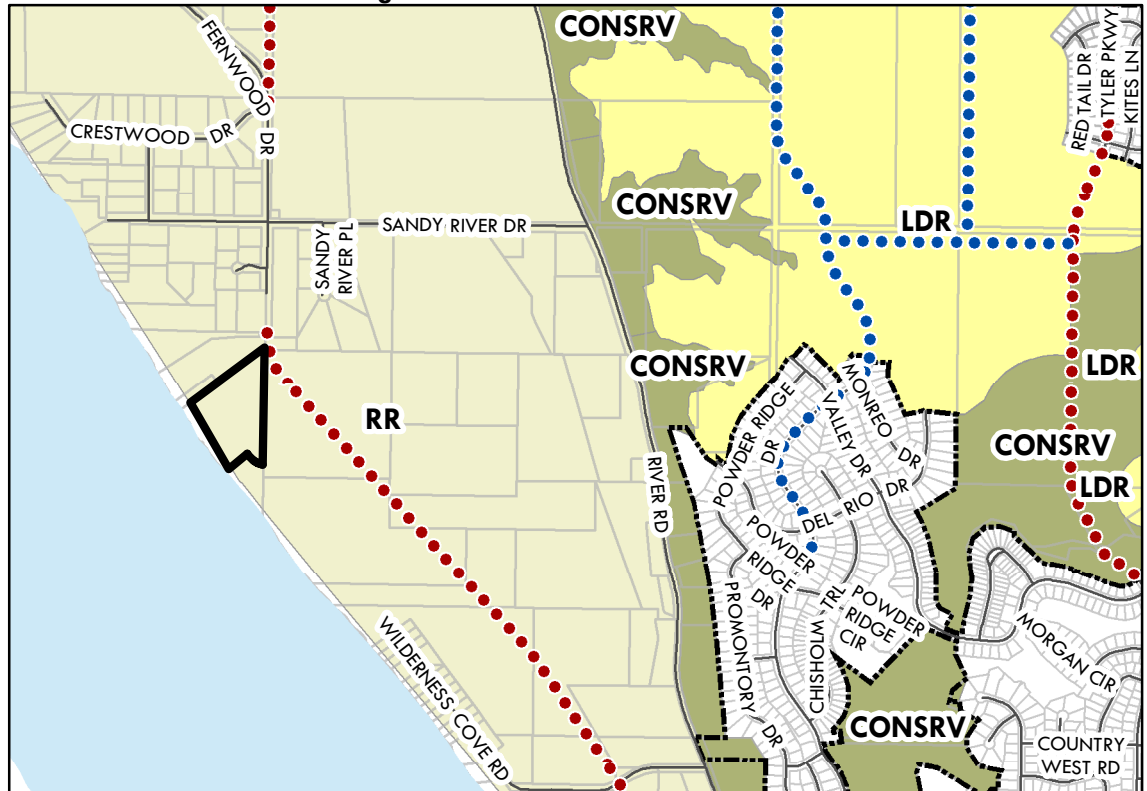
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.3 0.6 1.2 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
March 17, 2017

FREEDOM RANCH SUBDIVISION

PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA

GOVERNMENT LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

ALL THAT PART OF GOVERNMENT LOT 2 AND ACCRETED LANDS SECTION 23, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
BEGINNING ON THE EAST LINE OF SECTION 23 A DISTANCE OF 1326.26 FEET FROM THE NORTHEAST CORNER OF SECTION 23; THENCE SOUTH 00 DEGREES 49 MINUTES 52 SECONDS WEST, ALONG THE EAST LINE OF SECTION 23 A DISTANCE OF 1193.51 FEET TO THE NORTHEAST CORNER OF KNUDSEN SUBDIVISION; THENCE WESTERLY AND TO THE RIGHT, ALONG THE BOUNDARY OF KNUDSEN SUBDIVISION, ON A 250.79 FOOT RADIUS CURVE AN ARC DISTANCE OF 167.59 FEET THE RADIUS BEARS NORTH 11 DEGREES 30 MINUTES 39 SECONDS EAST; THENCE NORTH 39 DEGREES 55 MINUTES 44 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF KNUDSEN SUBDIVISION, A DISTANCE OF 35.00 FEET; THENCE SOUTH 10 DEGREES 15 MINUTES 35 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF KNUDSEN SUBDIVISION, A DISTANCE OF 250.00 FEET, MORE OR LESS TO THE EAST BANK OF THE BACKWATER CHANNEL OF THE MISSOURI RIVER; THENCE NORTH 29 DEGREES 48 MINUTES 13 SECONDS WEST, ALONG THE EAST BANK OF THE BACKWATER CHANNEL OF THE MISSOURI RIVER, A DISTANCE OF 398.04 FEET; THENCE NORTH 53 DEGREES 10 MINUTES 55 SECONDS EAST, A DISTANCE OF 49.85 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 38 SECONDS EAST, A DISTANCE OF 35.75 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 13.21 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 24, 2016 THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

SWENSON HAGEN & CO
808 BASH AVE.
BISMARCK, ND 58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3006

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2017, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF _____, 2017.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "FREEDOM RANCH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GREAT PLAINS LAND, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "FREEDOM RANCH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA.

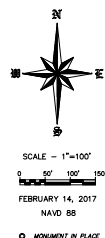
THEY FURTHERMORE DEDICATE UNTO THE COUNTY OF BURLEIGH "STORM WATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER & DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

BROOK WAKER
GREAT PLAINS LAND, LLC
1321 EAST FRONT AVENUE
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED BROOK WAKER OF GREAT PLAINS LAND, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



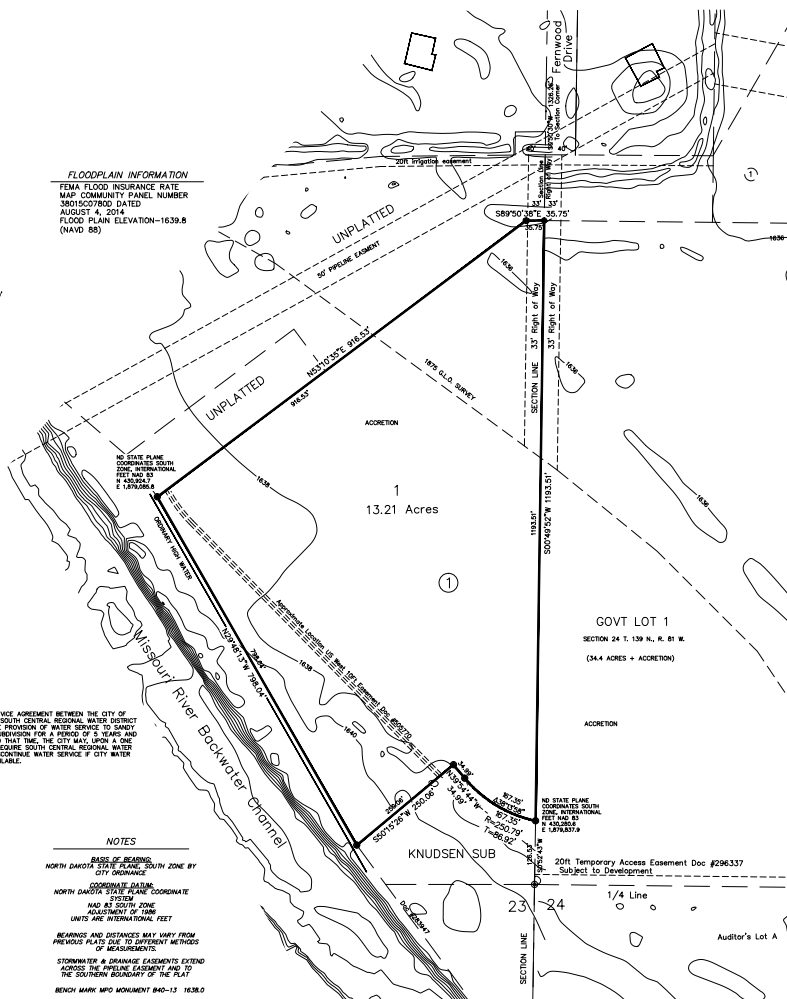
FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
58050C0030 DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION-1639.8
(NAVD 88)

SCALE - 1"=100'
0 50' 100' 150'

FEBRUARY 14, 2017
NAVD 88

○ MONUMENT IN PLACE



NOTES:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO SANITY RIDGE PLACE SUBDIVISION FOR A PERIOD OF 5 YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A FIVE YEAR NOTICE, RESUME SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.

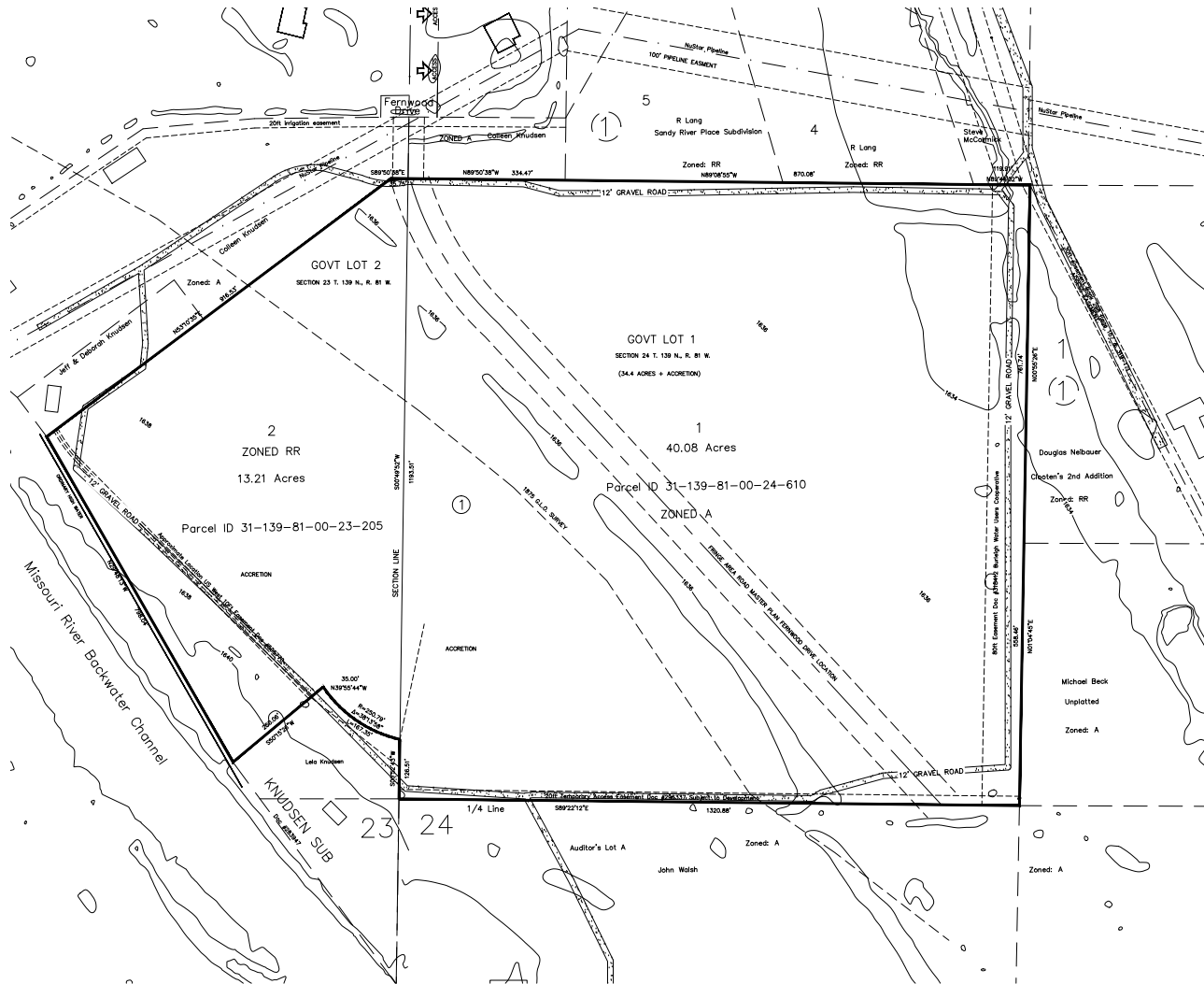
NOTES

BASE OF BEARING
NORTH DAKOTA TRUST LAND SOUTH ZONE BY
CITY ORDINANCE
COORDINATE DATA
NORTH DAKOTA TRUST LAND SOUTH ZONE
HAD AS SOUTH ZONE
ADJUSTMENT OF TIME
UNITS ARE INTERNATIONAL FEET
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS
STORMWATER & DRAINAGE EASEMENTS EXTEND
ACROSS THE PIPELINE EASEMENT AND TO
THE SOUTHERN BOUNDARY OF THE PLAT
BENCH MARK MPO MONUMENT 840-13 1638.0

FREEDOM RANCH SUBDIVISION

GOV'T LOT 1 AND ACCRETED LANDS SECTION 24, T. 139 N., R. 81 W.,
PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
38015C0780D DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION 1639.7
(NAVD 88)

53.3 ACRES
EXISTING ZONING: A/RR
2 LOTS

OWNER: BROOK MAIER
GREAT PLAINS LAND
ADDRESS: 1301 EAST FRONT AVE
BISMARCK, ND 58504
PHONE: (701) 320-7662



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

NOVEMBER 17, 2016

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT OF FREEDOM RANCH SUBDIVISION AND HEREBY
RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT
BE (APPROVED) ~~XXXXXXXXXX~~ WE FURTHER RECOMMEND ACCEPTANCE OF
(easements and access)
THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH COUNTY
BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH
CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

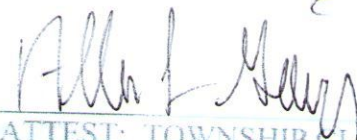
APPROVAL WITH THE FOLLOWING NOTES:

~~IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:~~
~~XX~~

- 1) We acknowledge the "private access" currently used by multiple (5+/-) parties, will continue to be utilized, maintained and serviced privately.
- 2) The Township agrees with Rural Fire- access roads should be upgraded to Township/County standards- this is recommended but not mandated as the associated costs would be borne by benefitting property owners. At a minimum, additional signage should be installed for directional clarification of individual home ownership.
- 3) In the future, should Fernwood Drive be extended south (as additional/primary access) developmental issues and costs will be funded by the developer.



CHAIRMAN, TOWNSHIP BOARD



ATTEST: TOWNSHIP CLERK

ACCESS EASEMENT
GOVERNMENT LOT 1 SECTION 24, T 139 N, R 81 W.
BURLEIGH COUNTY, NORTH DAKOTA

Know all men by these presents that Sharon E. Spaedy, Bismarck, North Dakota being the owner and proprietor of the properties described below does hereby grant an "Access Easement" for the benefit of the owner of Government Lot 2 and all unplatted properties within section 23, township 139 north, range 81 west, Burleigh County, North Dakota, their heirs and assigns to run with the land for pedestrian and vehicular traffic.

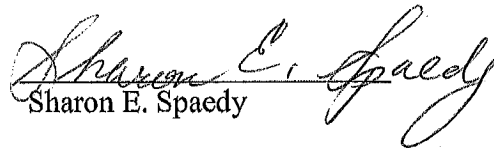
DESCRIPTION

The north 20 feet of Government Lot 1 Section 24, Township 139 North, Range 81 West of the 5th Principal Meridian, Burleigh County, North Dakota.

Said "Access Easement" being granted for all land owning parties of said unplatted lands in section 23 their tenants, visitors and licensees, said access easement to include the full and free right for said parties, their tenants, visitors and licensees, in common with all others having like right at all times hereafter for all purposes connected with the use of said parties, to pass and repass along said easement and to hold said easement to said parties, their heirs and assigns and appurtenant to the land of said parties. The grantee shall be responsible for the improvement and maintenance of the above described "Access Easement".

Said Easement is to remain in effect until such time as the construction of Fernwood Drive is extended to intersect the north line of Government Lot 1.

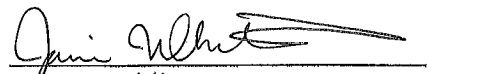
Except as herein granted the Grantor shall continue to have the full use of the property described herein. The Grantee shall hold the Grantor harmless from any claim of damages to the person or premises resulting from the use thereof.

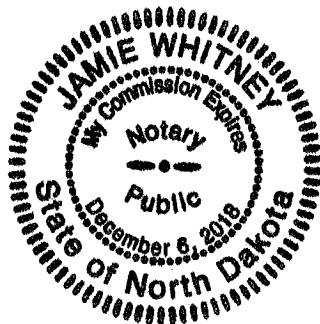

Sharon E. Spaedy

State of North Dakota)

County of Burleigh)

On this 13 day of February, 2017, before me personally appeared Sharon E Spaedy, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that such executed the same.


Notary Public
Burleigh County, ND
My Commission Expires 12-6-18





Bismarck Rural Fire Department

5800 East Main
Bismarck, ND 58501

"Dedicated to the people we serve"

Phone (701)-258-5792
FAX (701)-258-2868

February 1, 2017

RE: Freedom Ranch Plat Access

Sent via e-mail
William Hutchings, Planner
Community Development Department
Bismarck, ND

Mr. Hutchings:

Thank you for allowing the Bismarck Rural Fire Department to assist your office in reviewing the proposed final plat for the Freedom Ranch located NW of Bismarck in our Fire Protection District.

After looking over the materials provided by your office I have concerns that I feel should be addressed prior to allowing this project to move forward. My biggest concern is that the plan utilizes a 'private road' to potentially make access to three residences. Historically what the construction of a private road consists of has been left up to the interpretation of whomever is building the road.

We recently experienced a structure fire, adjacent to an occupied home, at the end of a long and narrow private road like the one being proposed here. We literally could not fight the fire in the building of origin because we had to conserve water and use it to keep the nearby home from burning. The private road was so long and narrow we could not establish an effective firefighting system on it which caused us to have to sacrifice property to ensure we had the resources needed to protect the primary dwelling.

I understand that the long-term plan is to eventually extend Fernwood Dr. south through this subdivision but until that happens the proposed private road should, at the very least, be required to be built to all applicable county standards for drainage, width, compaction, grade, slope, etc. Doing so will not only ensure that this road is usable in an emergency but it has the added benefit that it can be maintained as a secondary egress for the subdivision when additional property is added at a later date.

As it stands now the proposed private road runs through areas prone to flooding, water pooling following rain, snow drifts, and mud. These conditions make access in a private vehicle difficult let alone trying to do it in our trucks. Without some requirement to ensure a properly designed road is provided we essentially are creating unnecessary risk.

I am also concerned about how this location will be signed and addressed. We are finding these long private roads leading to homes in the county are often either not signed at all or so poorly signed it is hard to tell what exactly they are for. Compounding this problem is when we (and other responders) use a CAD computer to respond to these private road locations the system typically directs us to a location of the address but we then discover the actual location of the incident is much farther away, on a private road, that does not appear in the CAD system, and in a different location that should technically be a different address but the address being used is where the private road meets the nearest road. Again, if this junction is not well signed it can be very easy to not know that a private road exists and it could appear to lead into nowhere when it may actually go some distance to a dwelling.

My final concern is that this is the only way in and out of this location.

In summary, the Fire Department is willing to agree to allowing these homes to be served in the short term by a private road as long as the private road meets all applicable county standards for an actual road. Once Fernwood Dr. is extended this private road could continue to be used for secondary entrance and egress which is also necessary. We also expect that the private road will be adequately signed to designate the dwellings it serves to avoid confusion when using CAD equipment during an emergency response.

I appreciate you seeking our input in this matter and if you have anything further you would like to discuss about this plat please do not hesitate to contact me once again. Thank you.

Sincerely,

Michael Voigt

Michael Voigt
Fire Chief



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 8

April 26, 2017

Application for: Zoning Change

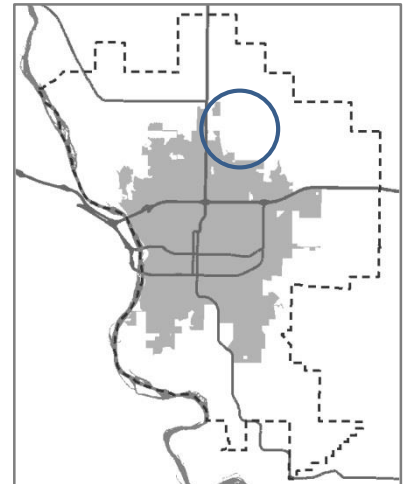
Major Subdivision Final Plat

TRAKiT Project ID: ZC2017-003

FPLT2017-003

Project Summary

Title:	Last Chance Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Pete and Elaine Brendel
Project Contact:	Dave Thompson, PE, Toman Engineering
Location:	Northeast of Bismarck, between 71 st Avenue NE and 57 th Avenue NE, along the west side of 26 th Street NE.
Project Size:	40.13 acres
Request:	Plat and rezone property for rural residential development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	20 lots in 2 blocks
Land Use:	Undeveloped	Land Use:	Rural residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	A – Agricultural	Zoning:	RR – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
---------------	-----	-----------------	-----	-----------------	-----

Staff Analysis

The applicant is requesting approval of a zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and tentative approval of a major subdivision preliminary plat titled Last Chance

Subdivision. The proposed subdivision would consist of 20 lots in 2 blocks.

The Planning and Zoning Commission recommended tentative approval of the major subdivision

(continued)

preliminary plat for Last Chance Subdivision at their meeting of March 22, 2017.

The Future Land Use Plan (FLUP), as amended in the 2014 Growth Management Plan (GMP), designates the future use of this area as conventional rural residential.

Adjacent land uses include rural residential to the north, east and west, and undeveloped agriculturally-zoned land to the south.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for consideration of a final plat have been met;
2. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
5. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
6. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed final plat;
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and the major subdivision final plat for Last Chance Subdivision.

Attachments

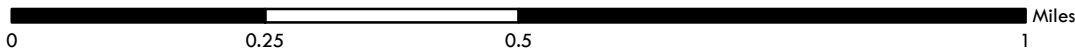
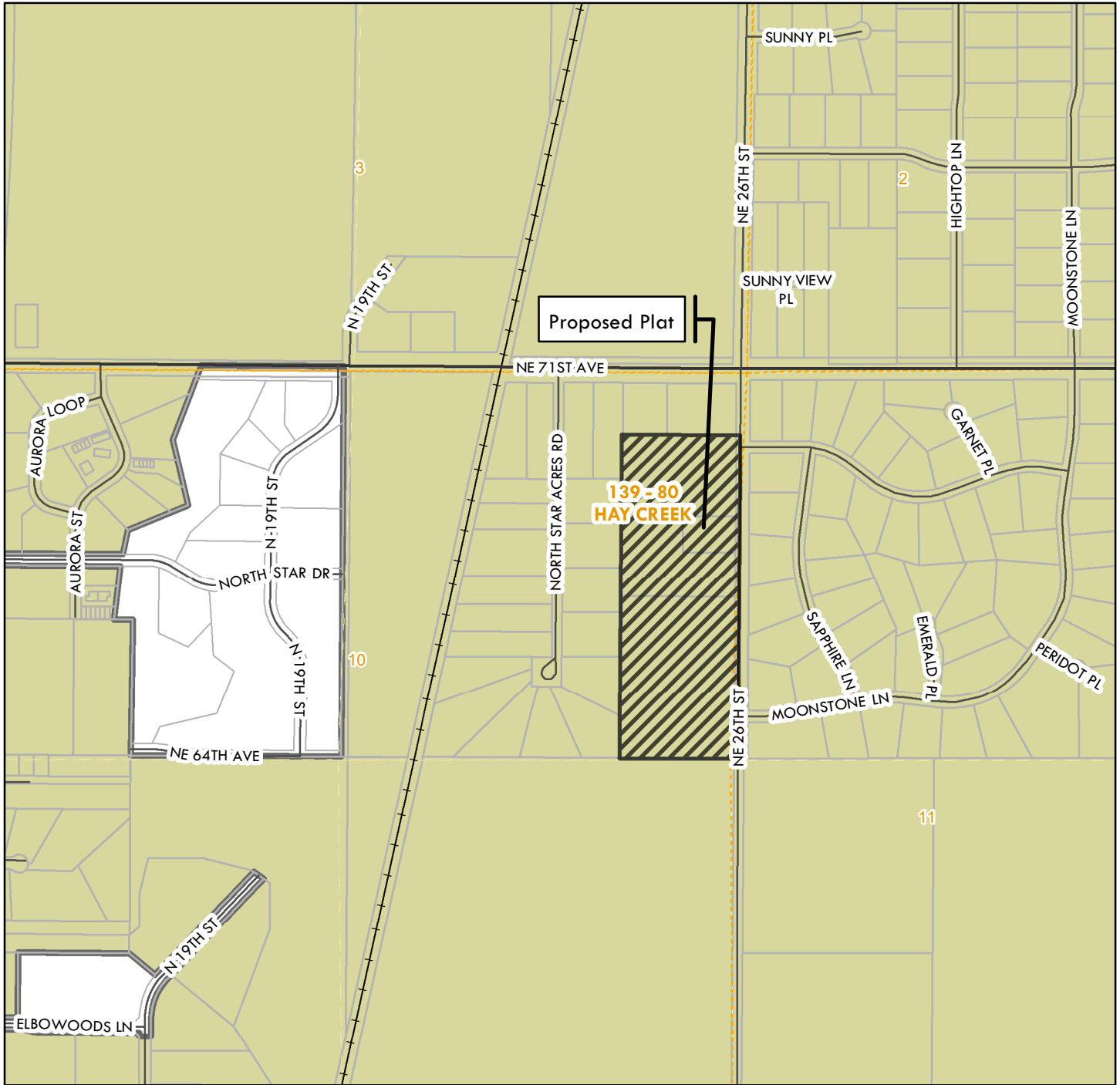
1. Location Map
2. Zoning and Future Land Use Map
3. Preliminary Plat
4. Final Plat

Staff report prepared by: Jenny Wollmuth, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Last Chance Subdivision Plat and Zoning Change (A to RR)

Project
Location Map



City Limits



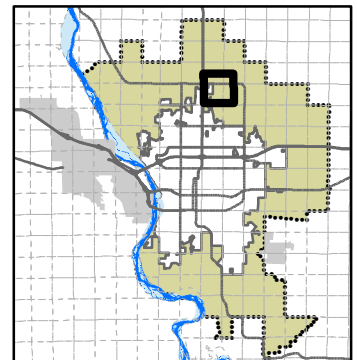
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 17, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Zoning Change (A to RR)

Last Chance Subdivision

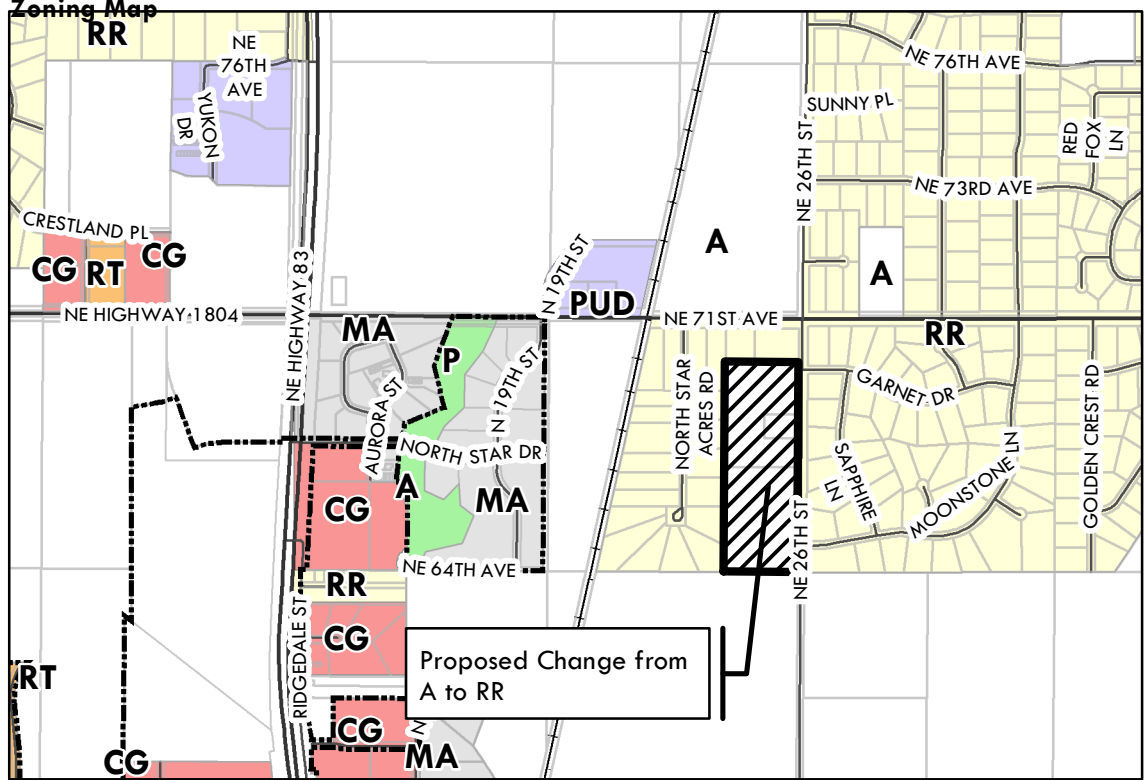
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

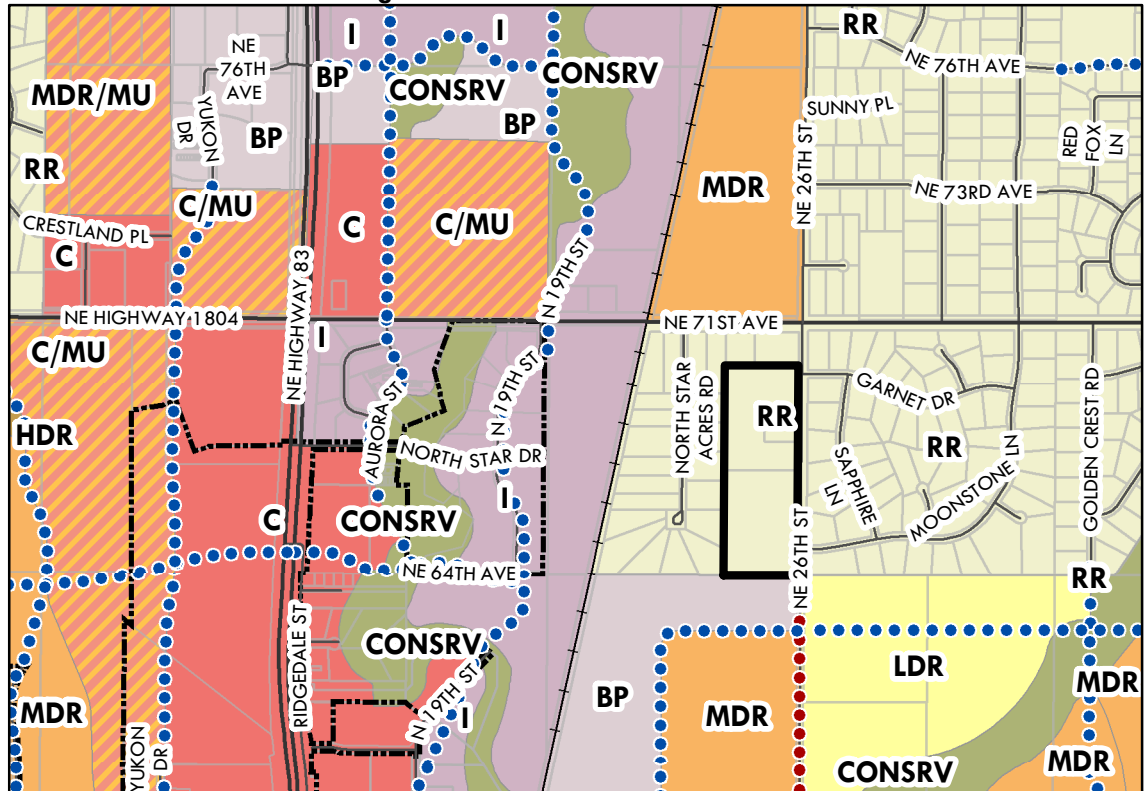
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.3 0.6 1.2 Miles

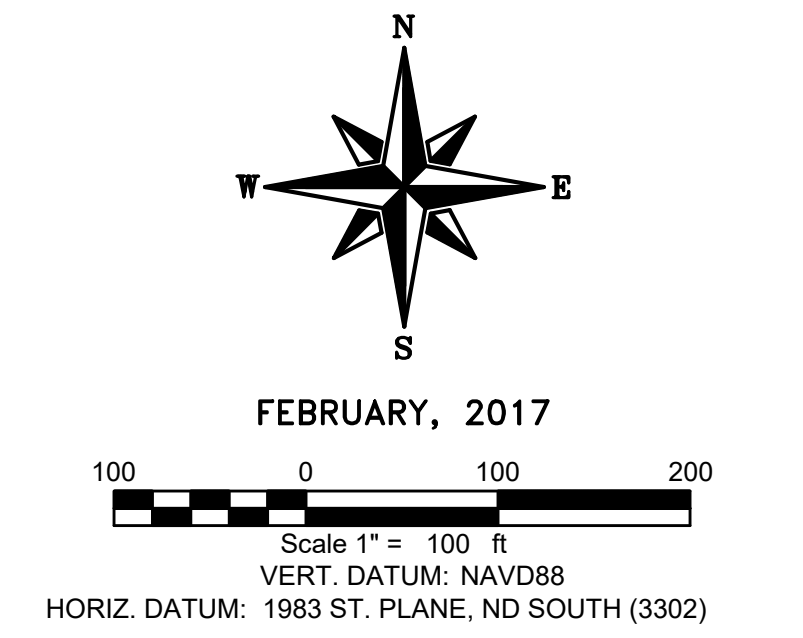
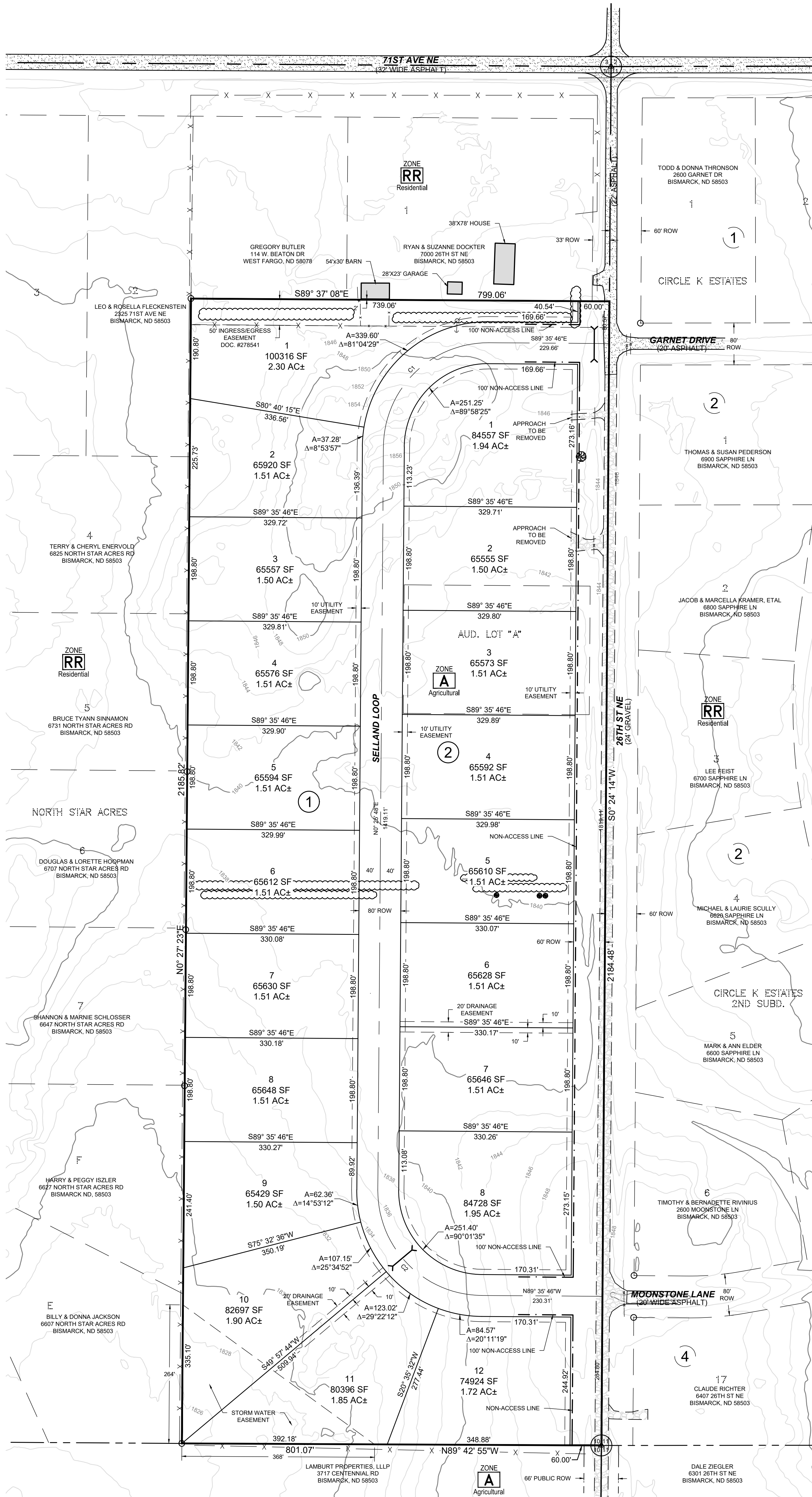
City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
March 8, 2017

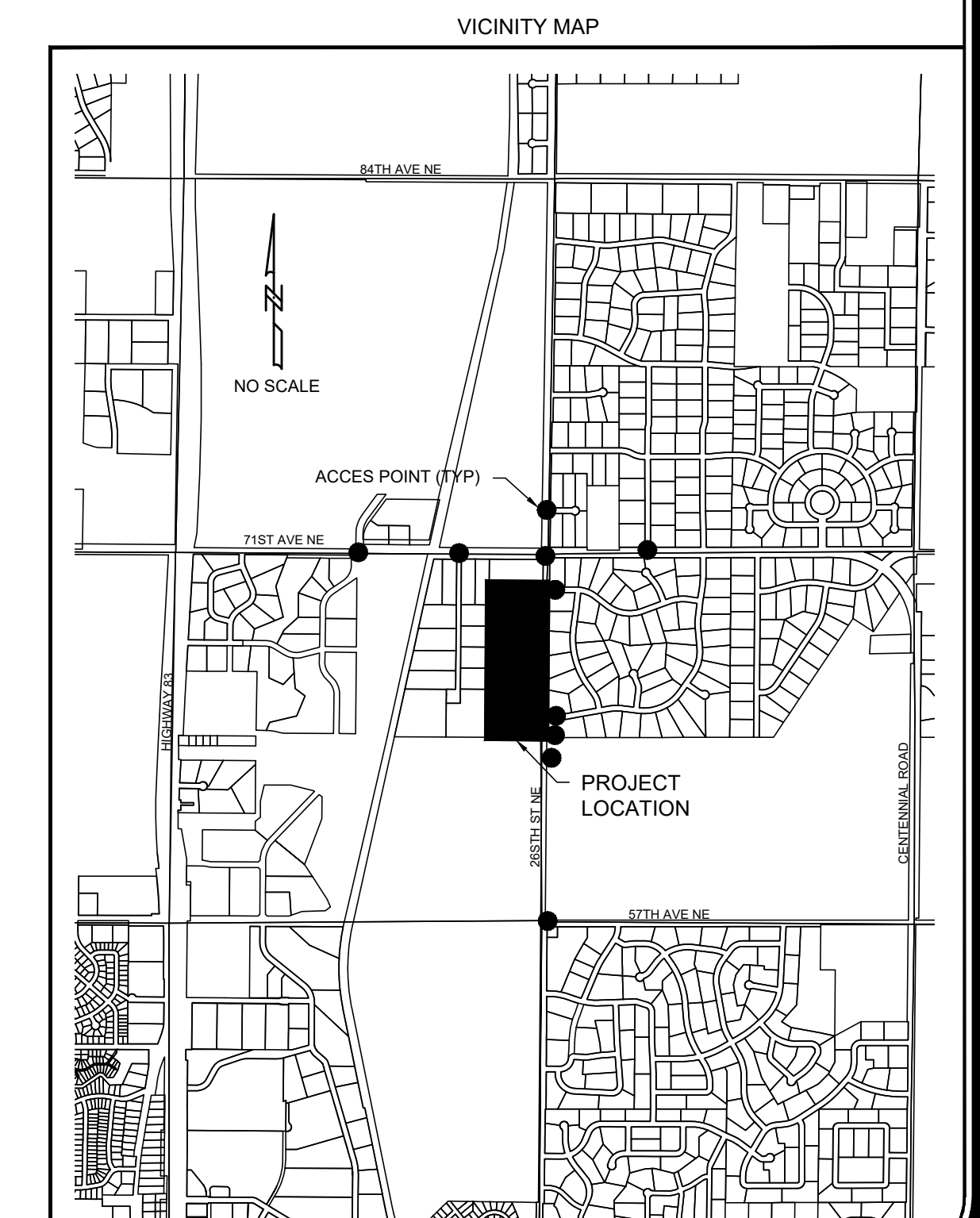
PRELIMINARY PLAT OF
LAST CHANCE SUBDIVISION
OF BURLEIGH COUNTY, NORTH DAKOTA
PART OF THE NE1/4 INCLUDING AUDITOR'S LOT "A" OF SAID NE1/4,
SECTION 10, T139N-R80W OF BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- △ FOUND SECTION/QUARTER CORNER
 - FOUND PROPERTY CORNER
 - EXISTING UTILITY POLE
 - EXISTING GUY WIRE/ANCHOR POLE
 - EXISTING TREE
 - SS — EXISTING CULVERT (SEE NOTE 4)
 - INDEX CONTOUR
 - INTERMEDIATE CONTOUR
 - X — EXISTING FENCE LINE
 - TREE ROW
 - GRAVEL ROAD
 - ASPHALT ROAD
 - BUILDING
 - PROPOSED 24" CULVERT

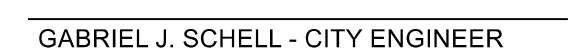
- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - CONTOURS BASED ON DATA PROVIDED BY BISMARCK/MANDAN MPO DATED MARCH, 2016.
 - THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN PER NFIP MAPS 38015C0595D (EFFECTIVE DATE: 8/4/2014) AND 38059C0510D (EFFECTIVE DATE: 4/19/2005).
 - EXISTING CULVERT LOCATIONS ARE APPROXIMATE. NO SIZES OR INVERTS COULD BE DETERMINED DUE TO EXTREME SNOW COVER.
 - NO APPROACHES OR OTHER TYPES OF ACCESS WILL BE ALLOWED ALONG THE WEST ROW OF 26TH ST NE.
 - LOT ACREAGE 32.74
STREET ACREAGE 7.39
TOTAL ACREAGE 40.13
- OWNER:**
PETE & ELAINE BRENDLE
3022 SLEEPY HOLLOW LOOP
BISMARCK, ND 58501
- BASIS OF BEARING:**
BASIS OF BEARING: EAST BOUNDARY LINE:
SOUTH 00° 24' 14" WEST

CENTERLINE STREET CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	89°58'25"	200.00'	314.07'	N45° 25' 01"E	282.78'
C2	90°01'35"	200.00'	314.25'	N44° 34' 59"W	282.91'



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT

PART OF THE NE1/2 INCLUDING AUDITOR'S LOT "A" OF SAID NE1/4 OF SECTION 10, T139N-R80W AND WITHIN THE 2-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 9

April 26, 2017

Application for: Zoning Change

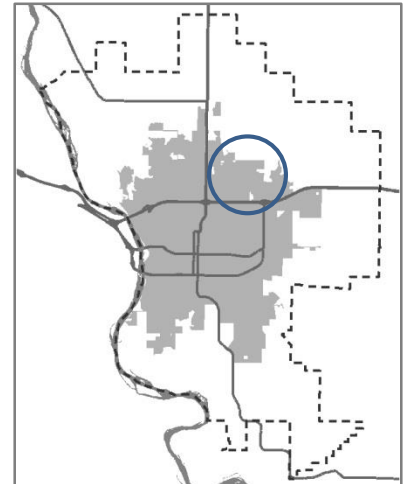
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2017-002

MPLT2017-004

Project Summary

<i>Title:</i>	Hamilton's First Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Michael Baumgartner Construction Inc.
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Company, P.C.
<i>Location:</i>	In northeast Bismarck, on the south side of East Calgary Avenue and the east side of Hamilton Street, directly across from and to the south of Legacy High School.
<i>Project Size:</i>	4.96 acres (rezoning) / 3.06 acres (plat)
<i>Request:</i>	Remove conditions of RM15 rezoning to accommodate change in construction plans, and create a one-lot plat over undeveloped portions of the subdivision.



Site Information

Existing Conditions

<i>Number of Lots:</i>	2 (rezoning), 1 (plat)
<i>Land Use:</i>	Multifamily residential and undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	Conditional RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential with conditions described below
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Proposed Conditions

<i>Number of Lots:</i>	2 (rezoning), 1 (plat)
<i>Land Use:</i>	Multifamily residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Property History

<i>Zoned:</i>	C-RM15 in 2014 PUD in 2009 R10 in 1994 CG in 1978	<i>Platted:</i>	Hamilton's First Addition in 2010	<i>Annexed:</i>	1978
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(continued)

Staff Analysis

The applicant is proposing a zoning change for Lots 1-2, Block 1 Hamilton's First Addition from the Conditional RM15 zoning district to the RM15 – Residential zoning district and approval of Hamilton's First Addition First Replat, a replat of Lot 2 and a part of Lot 1 of the original subdivision.

Adjacent land uses include the newly-constructed Legacy High School to the north, across East Calgary Avenue; developing portions of a manufactured home park owned by Liechty Homes to the east; undeveloped portions of a planned industrial park to the south; and multifamily residential uses to the west, across Hamilton Drive.

The purpose of the rezoning is to remove the conditions previously placed on this district. Those conditions are as follows:

1. Development of the site must generally conform to the site plan submitted with the application and is limited to four (4) 12-unit apartment buildings and four (4) twin homes located along the easternmost portion of the property.
2. The maximum height of any building is 35 feet.
3. Lots 1 and 2, Block 1, Hamilton's First Addition must be combined as one parcel through the City's lot modification process.
4. The twin homes must remain as part of the overall development and cannot be split off in the future and sold as individual lots.

The conditions are associated with a site plan for which construction has been partially completed. Two of the four 12-unit condominiums were constructed in 2014 on the west 200 feet of Lot 1. As of the date of this staff report, 15 of the 24 units have been sold. Residents of these buildings claim that certain improvements to their site remain incomplete, including landscaping and seeding, paving of a driveway access, exterior siding, and utilities and interior improvements for the eight unoccupied units in the easternmost building.

Due to business circumstances, the developer is no longer able to complete the project as planned and intends to sell the remaining undeveloped portion to

another party. The basic purpose of the proposed replat is to create a new lot to facilitate this sale.

The proposed RM15 – Residential zoning would allow a greater density than allowed under the current Conditional RM15 – Residential zoning. Under current zoning, a total of 32 units may be constructed on the three-acre parcel with a height limitation of 35 feet. Under the proposed zoning, a total of 45 units may be constructed on this parcel with a height limitation of 60 feet.

The future buyer of this lot intends to build a 24-unit and a 22-unit multifamily structure on this lot, although this would not be allowed under the proposed zoning. These 46 units would exceed the total of 45 allowable units in the RM15 – Residential zoning district, given the size of the subdivision.

The recorded plat for the original Hamilton's First Addition includes a 50-foot landscape buffer on the east side. This was initially required with the PUD in this area, in order to create a berm as a buffer between the proposed industrial uses in the PUD and expected residential uses to the east. When the northernmost Lot 2 was rezoned to residential in 2014, the berm through this lot was removed, although it still remains on the lots to the south.

The proposed plat does not extend to the edge of all of the property owned by Michael Baumgartner Construction, Inc. An approximately 25-foot remnant strip is retained within Lot 2, Hamilton's First Addition along the east side of the constructed buildings. Staff supports omitting this strip from the plat, only if the strip is combined with the lot to the west.

The proposed Hamilton's First Addition First Replat would reduce the 50-foot landscape buffer down to 15 feet, which matches the buffer yard requirement in the City of Bismarck Code of Ordinances between multifamily residential and single-family residential uses.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
 2. The proposed zoning change is compatible with adjacent land uses and zoning;
 3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
 4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
 5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
 6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
 7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
2. The stormwater management plan for the subdivision has been approved by the City Engineer;
 3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Minor Subdivision Final Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the Conditional RM15 Residential zoning district to the RM15 Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition, and approval of Hamilton's First Addition First Replat, with the following condition:

1. The remaining portion of the parcel described as the "East 67 feet of Lot 1, Hamilton's First Addition" not within the proposed plat is combined with the parcel described as "Lot 1 less the West 110 feet and less the East 67 feet of said lot" before recordation of the final plat.

Attachments

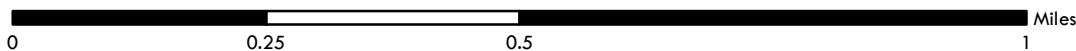
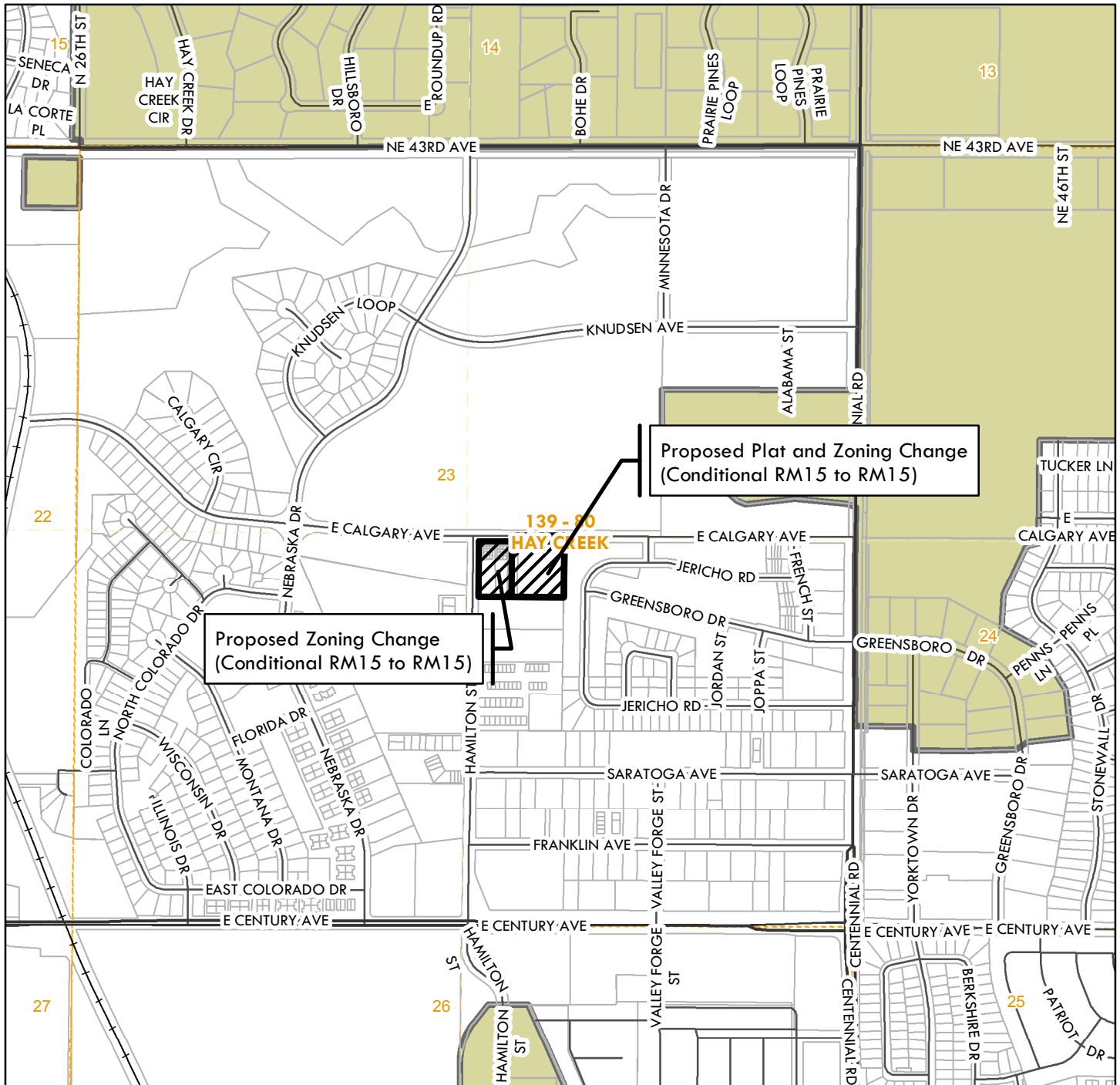
1. Location Map
2. Zoning and Future Land Use Map
3. Final Plat



Proposed Minor Subdivision Final Plat and Zoning Change

Hamilton's First Addition First Replat

Project
Location Map



City Limits



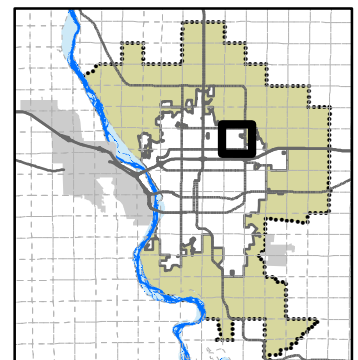
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 20, 2017 (HLB)

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Lots 1 and 2, Block 1, Hamilton's First Addition

Zoning Change (Conditional RM15 to RM15)

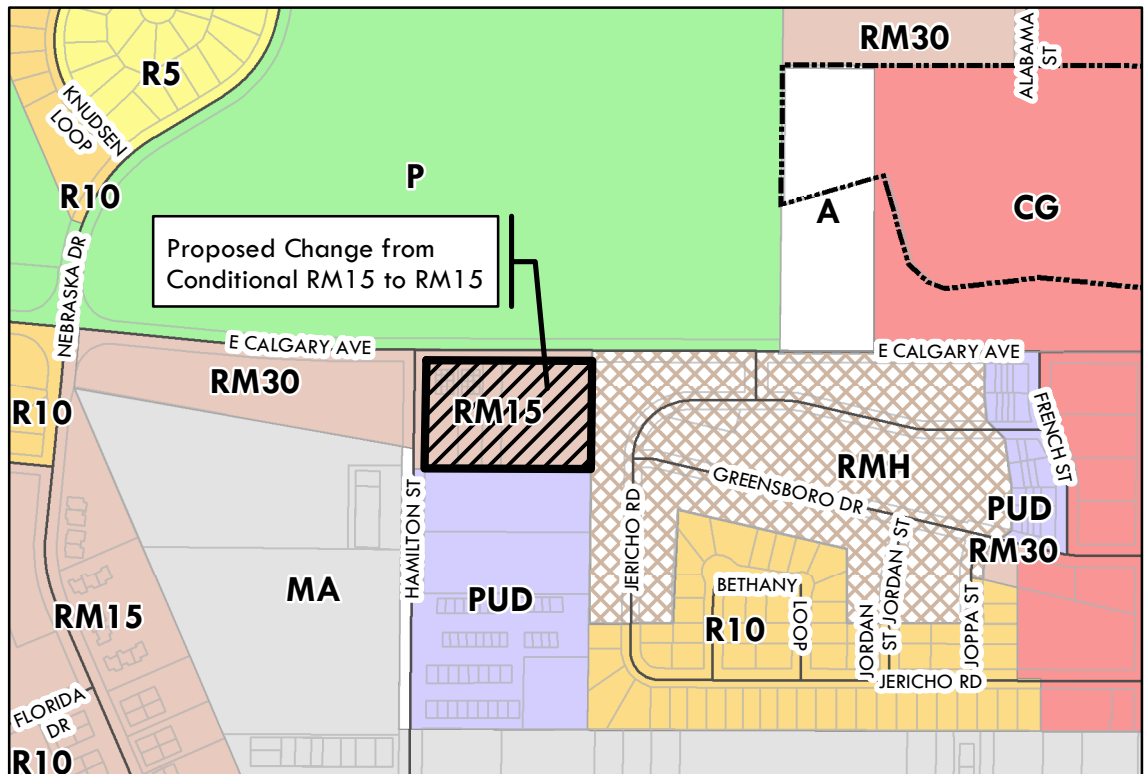
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
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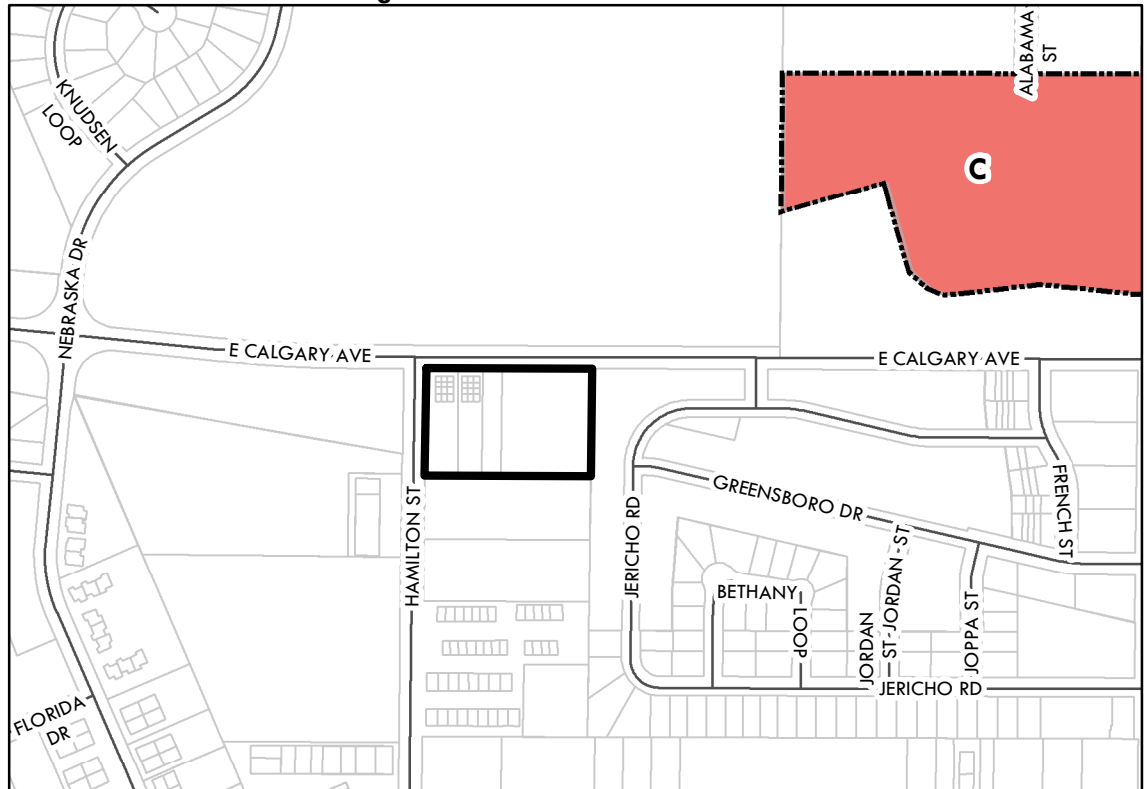
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
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MDR-/MU	Medium Density Residential/Mixed Use
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O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.1 0.2 0.4 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 20, 2017

HAMILTON'S FIRST ADDITION FIRST REPLAT

BEING A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2 BLOCK 1 HAMILTON'S FIRST ADDITION & PART OF THE ADJACENT CALGARY AVENUE RIGHT OF WAY OF THE SE 1/4, SECTION 23, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY NORTH DAKOTA



NOTES

BASES OF BEARING:
NORTH DAKOTA STATE PLANE SOUTH ZONE BY
CITY ORDINANCE.

COORDINATE SYSTEM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

RECORDING:
HAMILTON'S FIRST
CALGARY AVE. & HAMILTON ST.
ELEV. = 1762.38 (NGVD 29)

AREA

LOTS	133,197 S.F.	3.06 ACRES
STREETS	14,205 S.F.	0.33 ACRES
TOTAL	147,402 S.F.	3.39 ACRES

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

DESCRIPTION

BEING A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2 BLOCK 1 HAMILTON'S FIRST ADDITION & PART OF THE ADJACENT CALGARY AVENUE RIGHT OF WAY OF THE SE 1/4, SECTION 23, T. 139 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 48 MINUTES 01 SECOND EAST, ALONG THE NORTH LINE OF SAID SE 1/4, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 48 MINUTES 01 SECOND EAST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 355.21 FEET TO THE WEST BOUNDARY OF STONECREST 2ND ADDITION; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID WEST BOUNDARY, A DISTANCE OF 415.03 FEET TO THE NORTH BOUNDARY OF LOT 3 BLOCK 1 HAMILTON'S FIRST ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 26 SECONDS WEST, ALONG SAID NORTH BOUNDARY, A DISTANCE OF 355.21 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 414.97 FEET TO THE POINT OF BEGINNING.
THE ABOVE TRACT CONTAINS 3.39 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON SEPTEMBER 17, 2015. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) SS ROB BACH, AGENA
BISMARCK, NORTH DAKOTA

TIM LANGERUD
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2017. BE ACCORDING WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HORNSTADT - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE CROOKS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2017.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HAMILTON'S FIRST ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL BAUMGARTNER CONSTRUCTION, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAMILTON'S FIRST ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AND DOES SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

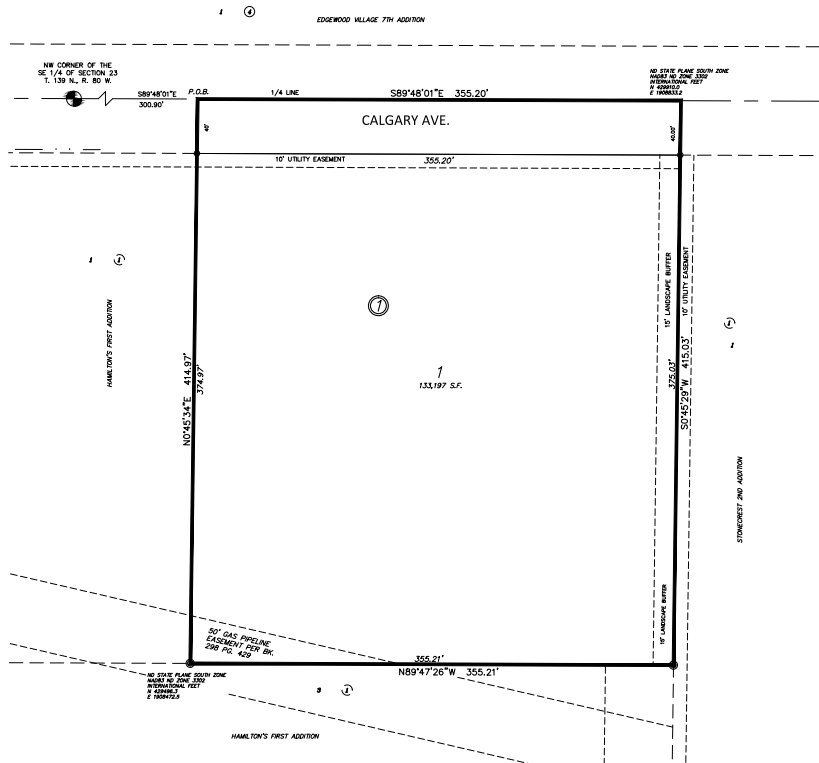
THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, WHO EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID ACCESS EASEMENTS TO HOLD SAID EASEMENTS TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANCES TO THE LAND OF SAID PARTIES. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL, SUBGOVERNMENT, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH)

MICHAEL BAUMGARTNER, PRESIDENT
MICHAEL BAUMGARTNER CONSTRUCTION, INC.
1414 INDUSTRIAL, DR.
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2017, BEFORE ME PERSONALLY APPEARED MICHAEL BAUMGARTNER, KNOWN TO ME TO BE THE PRESIDENT AND CHIEF MANAGER OF MICHAEL BAUMGARTNER CONSTRUCTION, INC., BEING THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 10

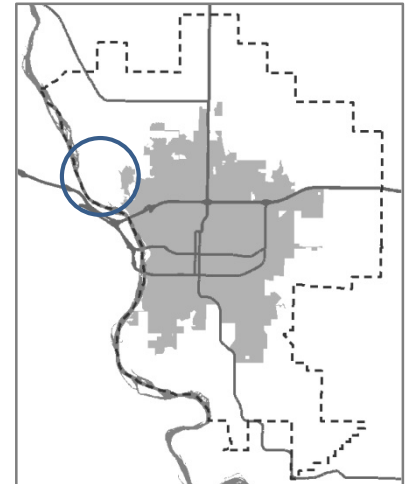
April 26, 2017

Application for: Rural Residential Lot Split

TRAKiT Project ID: RRLS2017-001

Project Summary

Title:	Lot 2, Block 1, Hanson Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Corey and Paula Hunt
Project Contact:	Ron Manchester, Toman Engineering
Location:	Northwest of Bismarck, south of Burnt Creek Loop along the east side of Fernwood Drive.
Project Size:	3.2 acres
Request:	Approval of a rural residential lot split to create one additional rural residential lot.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	2 lots in 1 block
Land Use:	Undeveloped	Land Use:	Rural residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	09/28/2004	Platted:	06/25/1992	Annexed:	N/A
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Staff Analysis

The applicant is requesting approval of a rural residential lot split to create one additional rural residential lot.

The proposed rural residential lot split will coincide with a request for a lot combination. “Auditors Lot “B” of Lot 2” of the proposed lot split will be combined with the

(continued)

parcel described as “South 100.63’ of Lot 1” directly to the north, which is also owned by the applicant.

There is currently an accessory storage structure built over the northern boundary of the proposed lot split. This lot combination will bring this structure into compliance. The proposed lot split and lot combination would create two parcels that conform with the provisions of the RR-Rural residential zoning district.

The Hay Creek Township Board of Supervisors recommended approval of the proposed lot split. However, the Township has recommended that since Fernwood Drive is considered a high volume rural collector street, they have recommended that one shared-access is utilized for the resulting two lots. Currently there is a non-permitted but improved access to the parcel described as “South 100.63’ of Lot 1.” There is also a permitted but unimproved access to Lot 2, Block 01, Hanson Subdivision.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a rural residential lot split have been met;
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located, provided they are combined as proposed;
3. The Hay Creek Township Board of Supervisors has recommended approval of the proposed lot split plat, but have not provided a signed resolution at this time;
4. The proposed lot split is compatible with adjacent land uses;
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities;

6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided the resulting parcels are combined as proposed;
7. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed lot split would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the rural residential lot split for Lot 2, Block 1, Hanson Subdivision with the following conditions:

1. The lot split shall not be final until the proposed auditor’s plats are recorded.
2. Auditor’s Lot B of Lot 2 must be combined with the adjacent parcel (South 100.63’ of Lot 2)
3. A shared access point is utilized to access both parcels.

Attachments

1. Location Map
2. Zoning and Future Land Use Map
3. Proposed Plats of Irregular Description
4. Resulting Lot Combination

Staff report prepared by: Will Hutchings, Planner

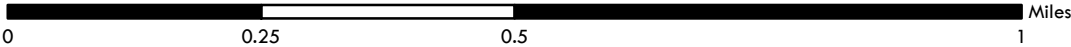
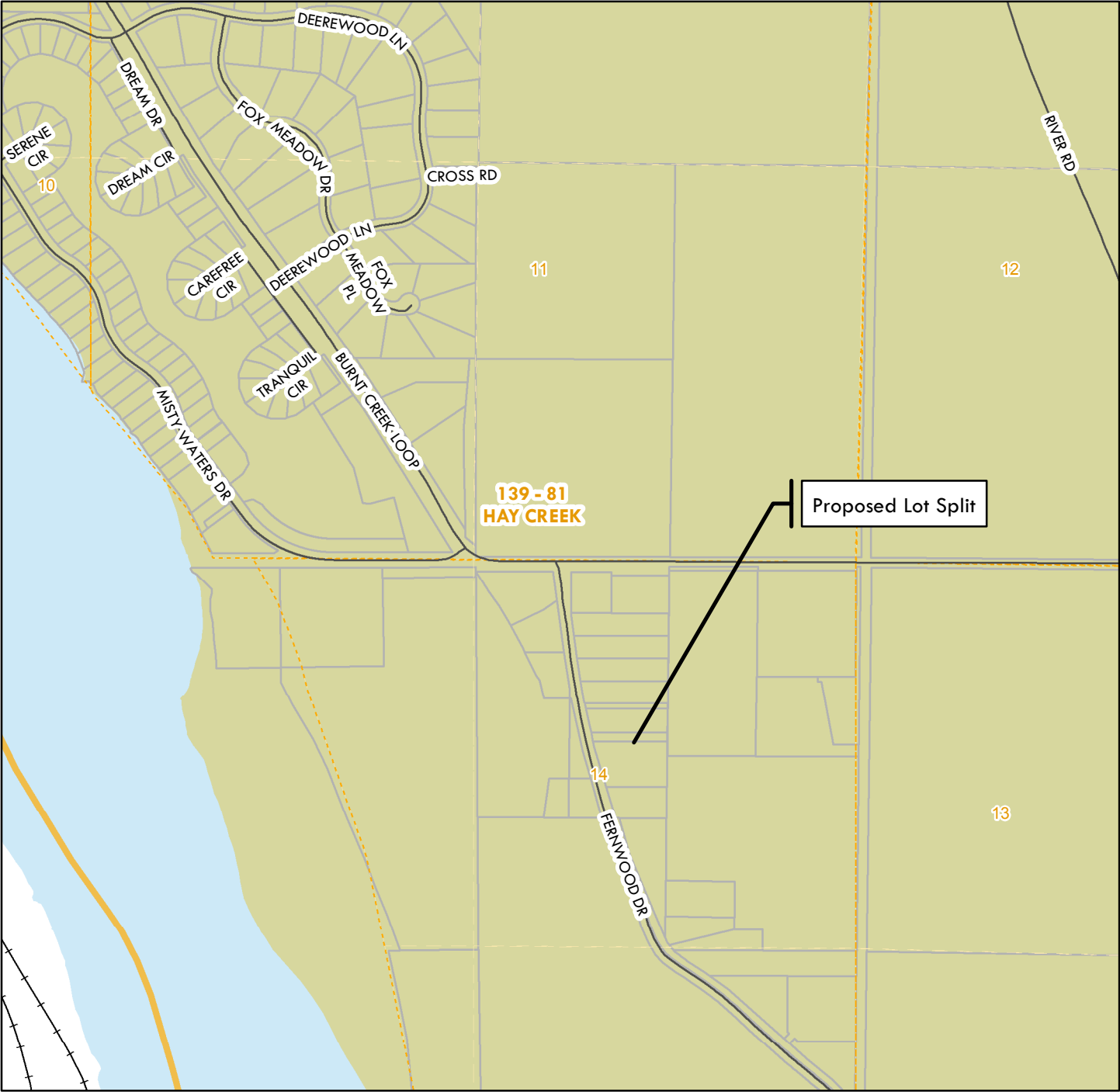
701-355-1850 | whutchings@bismarcknd.gov



Proposed Rural Residential Lot Split

Auditor's Lot A of Lot 2 and Auditor's Lot B of Lot 2
Hanson Subdivision

Project
Location Map



City Limits



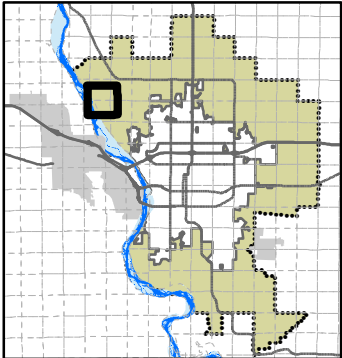
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 10, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Rural Residential Lot Split

Lot 2, Block 1, Hanson Subdivision

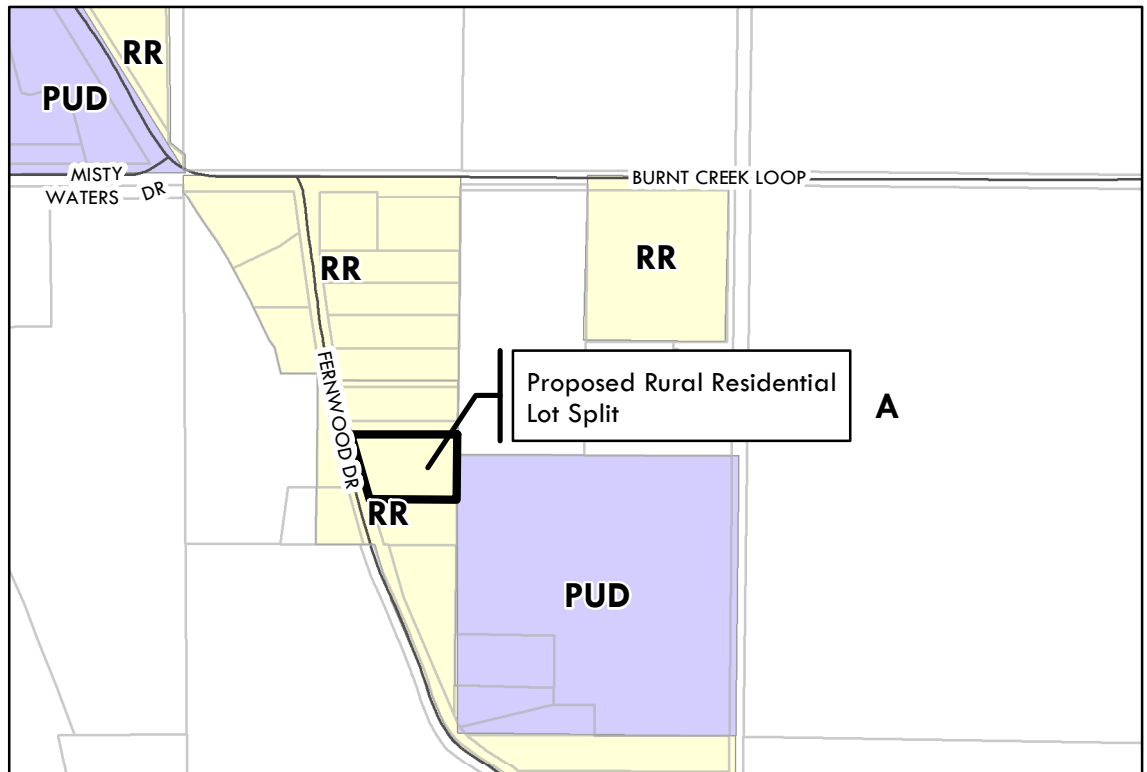
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

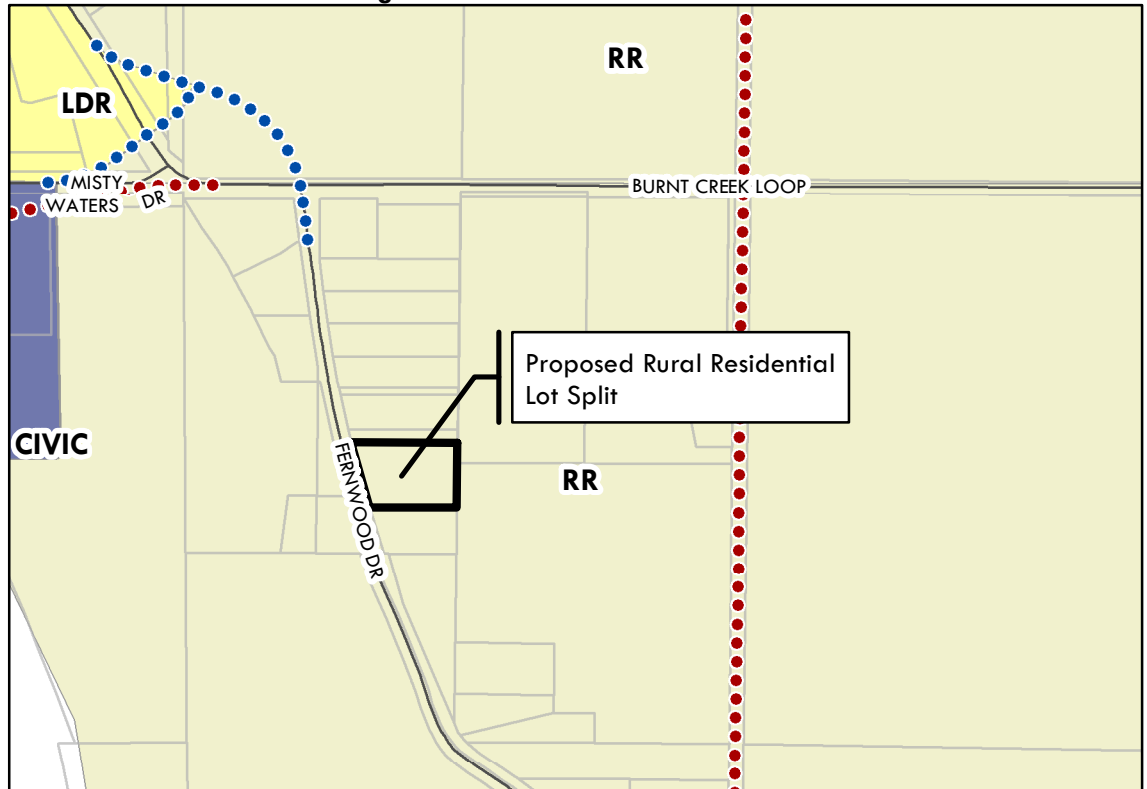
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.125 0.25 0.5 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

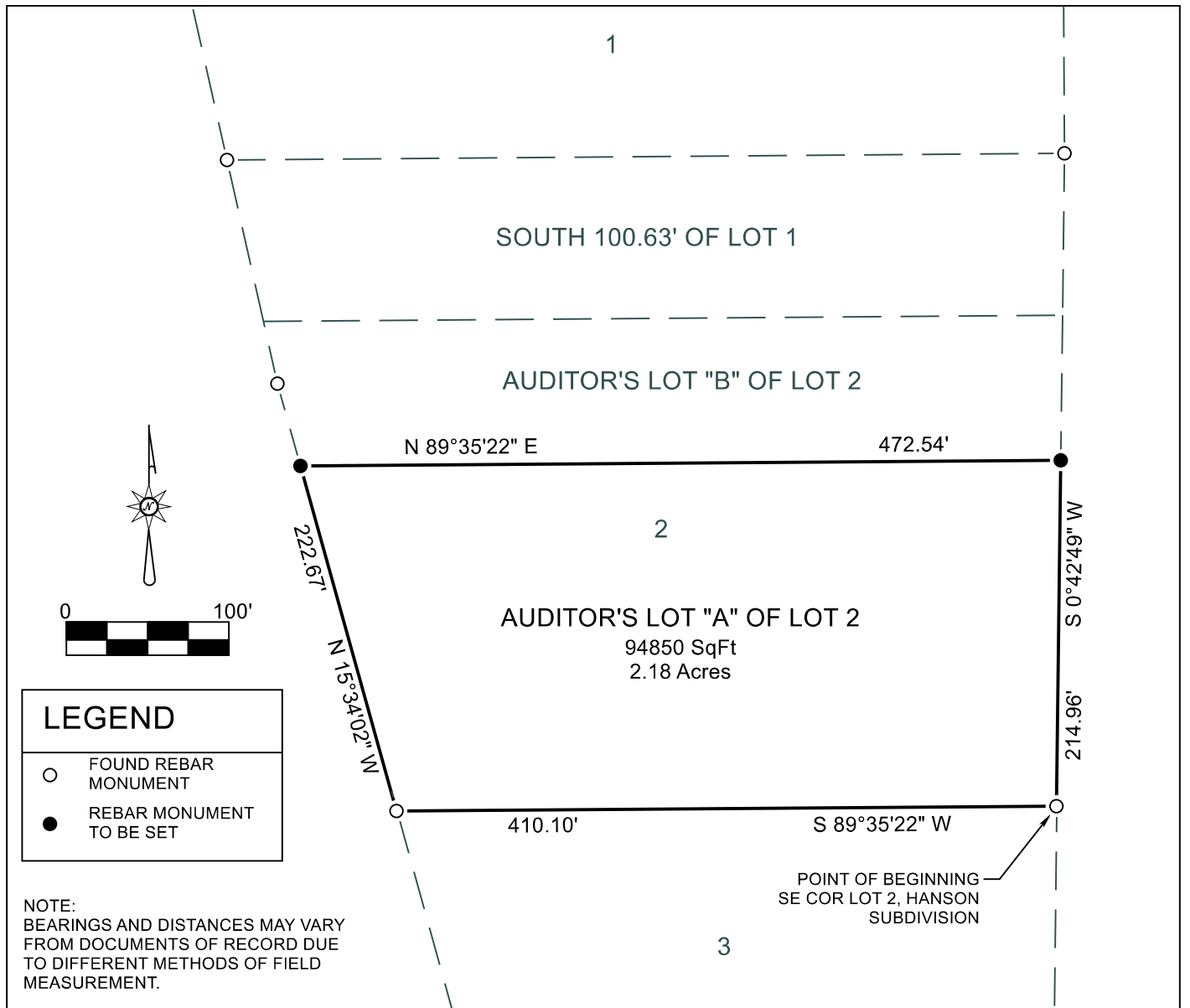


City of Bismarck
Community Development Dept.
Planning Division
April 19, 2017

PLAT OF IRREGULAR DESCRIPTION

Auditor's Lot "A" of Lot 2, Hanson Subdivision Section 14 Township 139 North Range 81 West

Present Owner Corey & Paula Hunt



30925

DESCRIPTION

Auditor's Lot "A" of Lot 2,
Lot Number Hanson Subdivision () of NE1/4 Section 14 Township 139 North

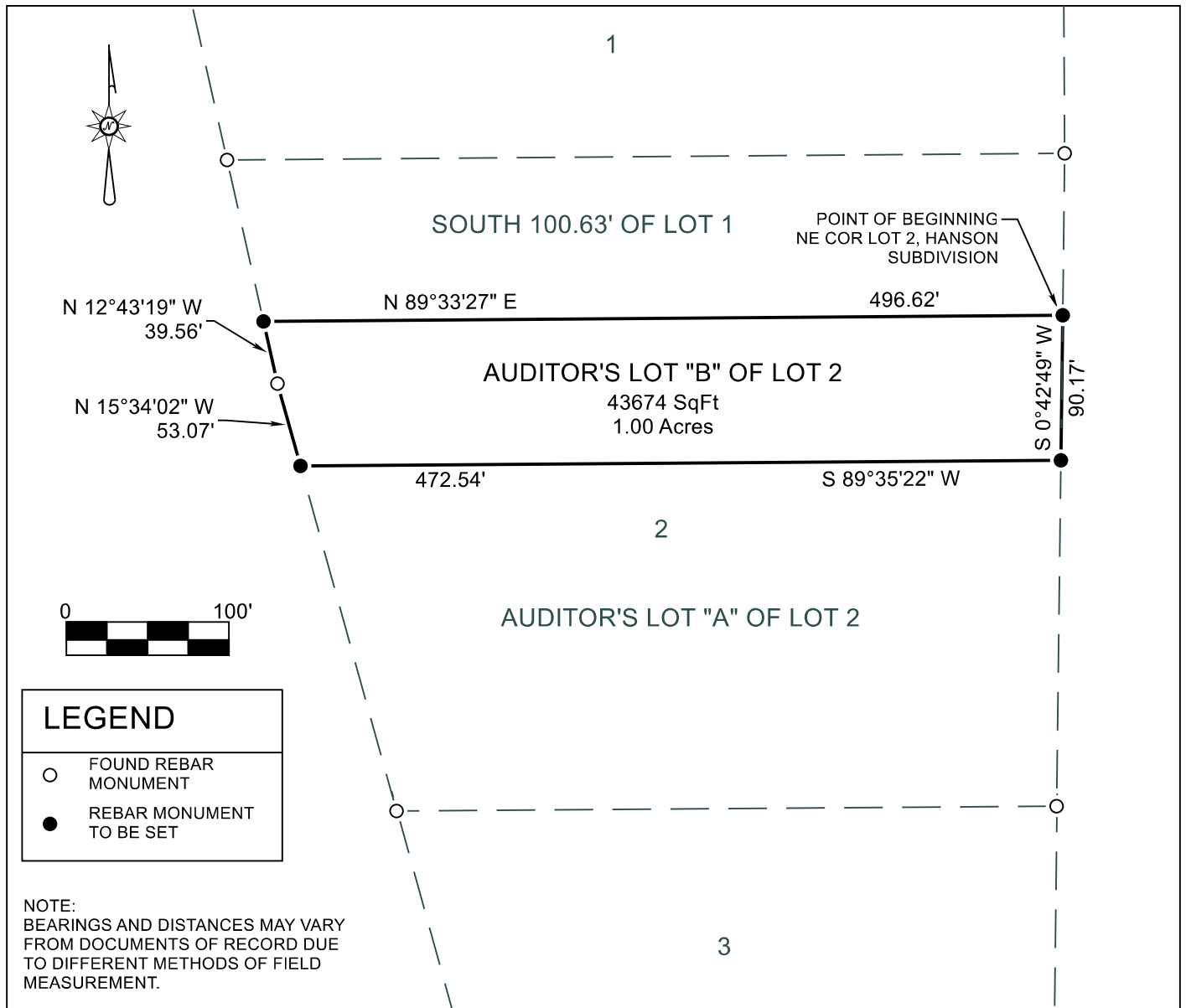
Range 81 West, described as follows: A tract of land being a part of Lot 2, Hanson Subdivision of Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the southeast corner of Lot 2, Hanson Subdivision of Burleigh County, North Dakota; thence South 89° 35' 22" West along the south boundary line of said Lot 2 for 410.10 feet to the southwest corner of said Lot 2; thence North 15° 34' 02" West along the west boundary line of said Lot 2 for 222.67 feet; thence North 89° 35' 22" East for 472.54 feet to a point on the west boundary line of said Lot 2; thence South 00° 42' 49" West along said west boundary line for 214.96 feet to the Point of Beginning. Said tract of land containing 94850 SqFt (2.18 Acres), more or less.

PLAT OF IRREGULAR DESCRIPTION

Auditor's Lot "B" of Lot 2, Hanson Subdivision Section 14 Township 139 North Range 81 West

Present Owner Corey & Paula Hunt



30925

DESCRIPTION

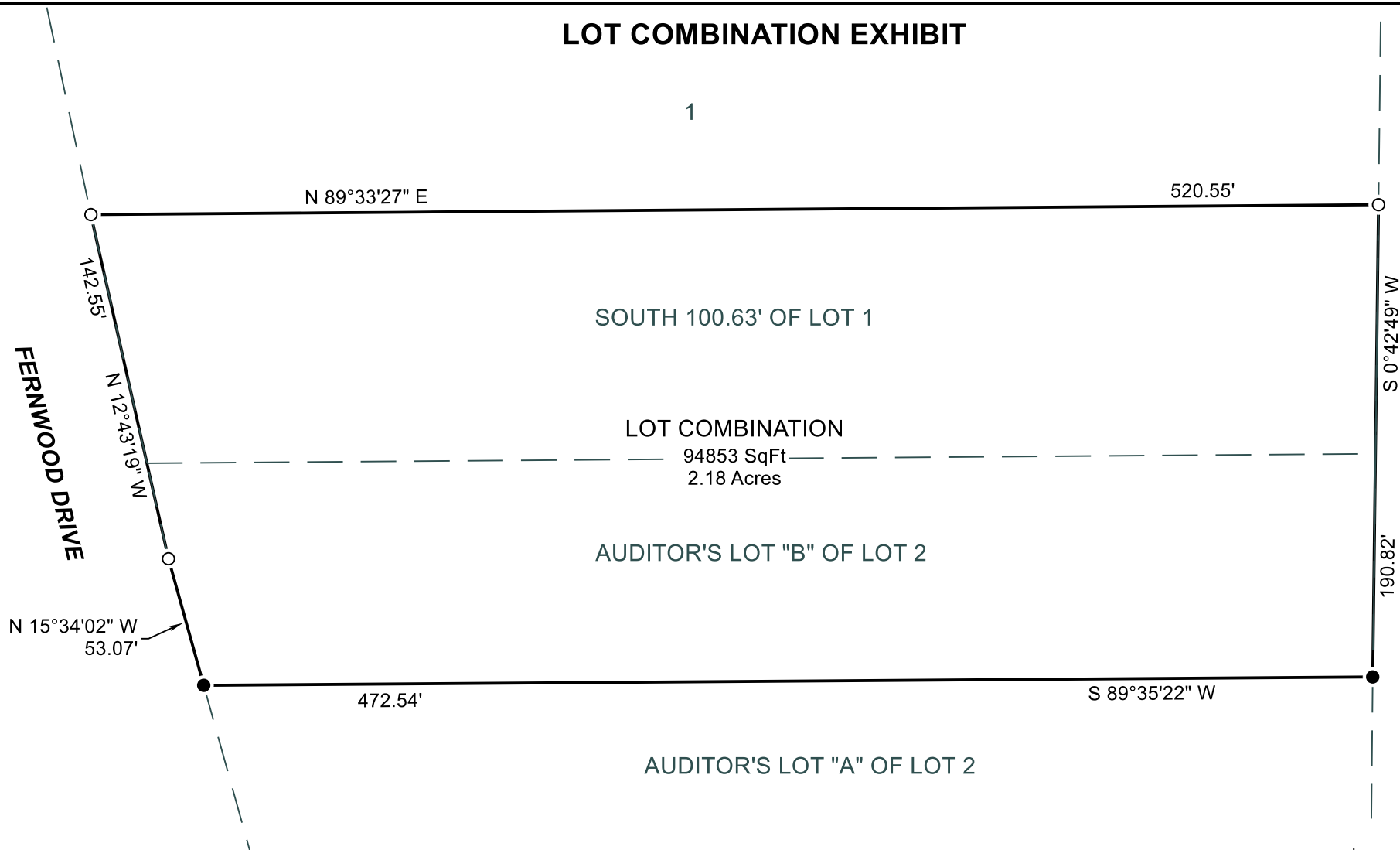
Auditor's Lot "B" of Lot 2,
Lot Number Hanson Subdivision () of NE1/4 Section 14 Township 139 North

Range 81 West, described as follows: A tract of land being a part of Lot 2, Hanson Subdivision of Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the northeast corner of Lot 2, Hanson Subdivision of Burleigh County, North Dakota; thence South 00° 42' 49" West along the east boundary line of said Lot 2 for 90.17 feet; thence South 89° 35' 22" West for 472.54 feet to a point on the west boundary line of said Lot 2; thence North 15° 34' 02" West along said west boundary line for 53.07 feet; thence North 12° 43' 19" West continuing along said west boundary line for 39.56 feet to the northwest corner of said Lot 2; thence North 89° 33' 27" East along the north boundary line of said Lot 2 for 496.62 feet to the Point of Beginning. Said tract of land containing 43674 SqFt (1.00 Acres), more or less.

LOT COMBINATION EXHIBIT

1



**TOMAN ENGINEERING
COMPANY**

501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

LEGAL DESCRIPTION

THE SOUTH 100.63 FEET OF LOT 1 AND AUDITOR'S LOT "B" OF LOT 2,
HANSON SUBDIVISION OF SECTION 14, TOWNSHIP 139 NORTH,
RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH
COUNTY, NORTH DAKOTA. SAID TRACT OF LAND CONTAINING 2.18
ACRES, MORE OR LESS.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #11

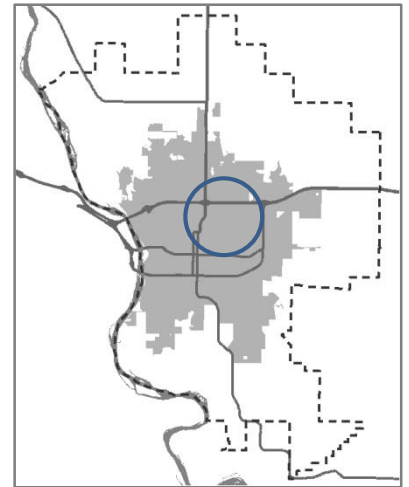
April 26, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-002

Project Summary

Title:	Lot 1, Block 3, Casey Commercial Park (1301 East Capitol Avenue)
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Northland Restaurant Group
Project Contact:	Mathew Beard, PE, TD & H Engineering
Location:	In central Bismarck, east of State Street between East Capitol Avenue and East Central Avenue.
Project Size:	49,043 square feet
Request:	Approval of a special use permit for a drive-through in conjunction with the reconstruction of a restaurant.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1	Number of Lots:	1
Land Use:	Fast Food Restaurant	Land Use:	Fast Food Restaurant
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	Pre-1980	Platted:	07/1972	Annexed:	Pre-1980
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(continued)

Staff Analysis

The applicant is requesting approval of a special use permit for the operation of a drive-through in conjunction with the reconstruction of a restaurant.

The applicant has indicated that the existing restaurant and drive-through will be demolished and reconstructed in a different location within the current site to allow for an updated facility with better circulation of drive-through traffic and parking.

A drive-through in conjunction with a restaurant is a permitted use in the CG – Commercial zoning district, provided certain conditions are met. The proposed special use meets the provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses). A copy of the ordinance is attached.

The proposed special use also meets the stacking spaces required for a drive-through restaurant outlined in Section 14-03-10(4) of the City Code of Ordinances (Off-street Parking and Loading). A copy of the ordinance is attached.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the

appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for Lot 1, Block 3, Casey Commercial Park with the following condition:

1. Redevelopment of the site must generally conform to the site plan submitted with the application.

Attachments

1. Section 14-03-08(4)(g)
2. Section 14-03-10(4)
3. Location Map
4. Zoning and Future Land Use Map
5. Site Plan

Staff report prepared by: Jenny Wollmuth, CFM

701-355-1845 | jwollmuth@bismarcknd.gov

14-03-08(4)(g)

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, CR, MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.
3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.
5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.
6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

14-03-10(4)

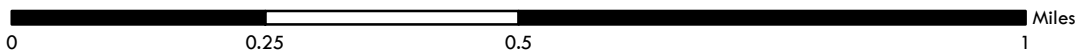
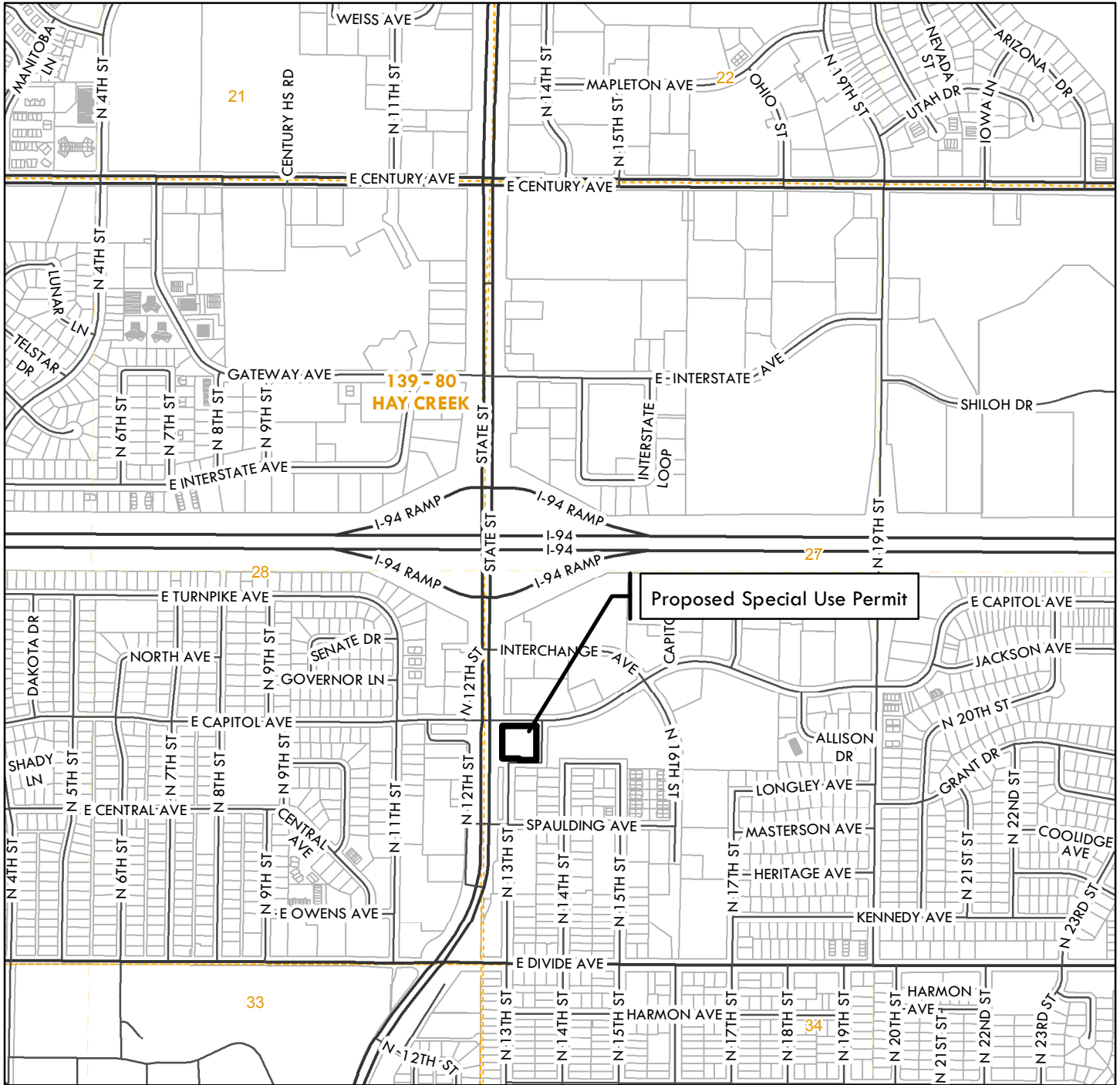
4. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution – teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate



Proposed Special Use Permit Lot 1, Block 3, Casey Commercial Park

Project
Location Map



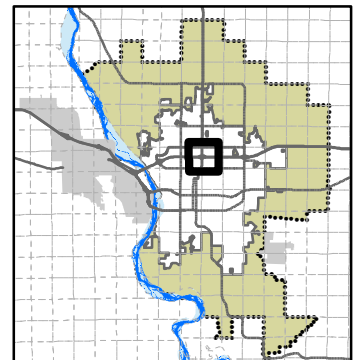
City Limits Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 12, 2017 (HLB)

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Proposed Special Use Permit

Lot 1, Block 3, Casey Commercial Park

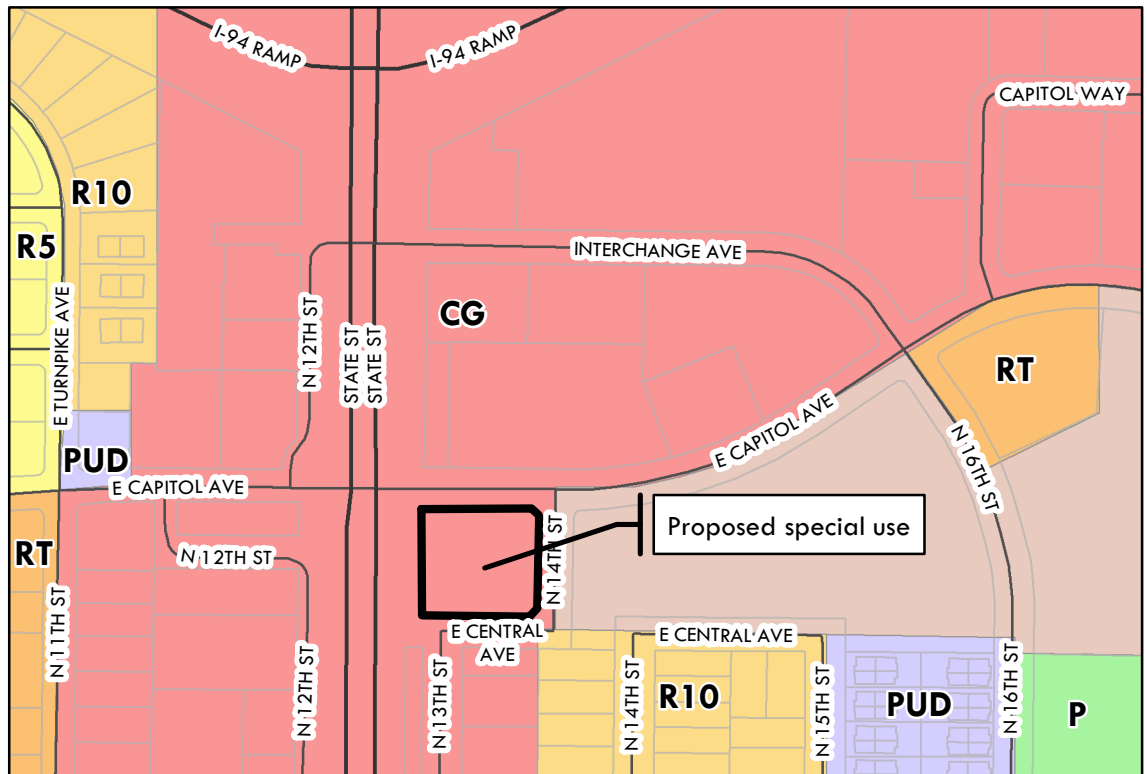
Zoning and Plan
Reference Map

Zoning Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

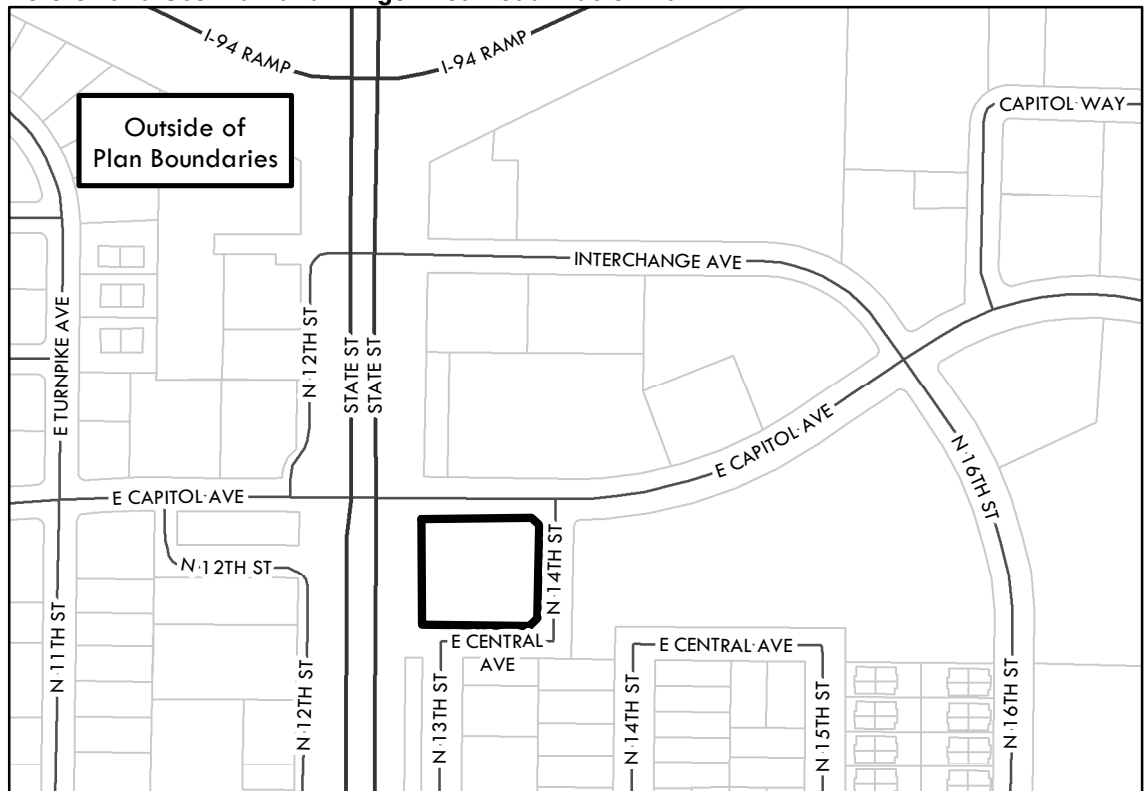
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

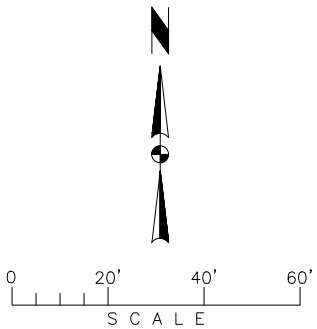
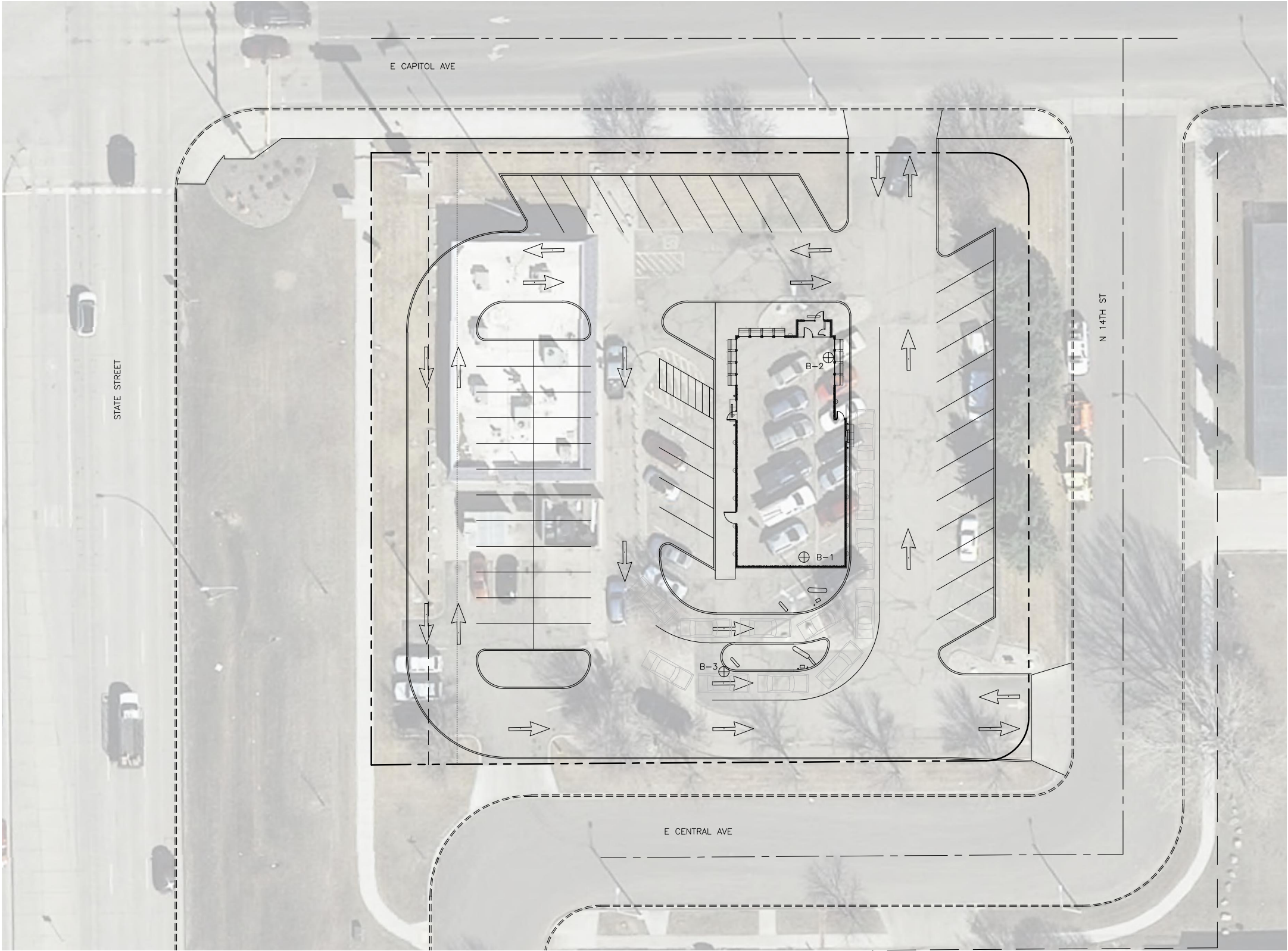
0 0.05 0.1 0.2 Miles

 City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 24, 2017



NOT FOR
CONSTRUCTION



DRAWN BY: CJS
DESIGNED BY:
QUALITY CHECK:
DATE: 01/25/17
JOB NO. W17-001
FIELDBOOK

NORTHLAND RESTAURANT GROUP, LLC
BISMARCK, ND
HARDEES OPTION 1
DEMO EXISTING BUILDING



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 12

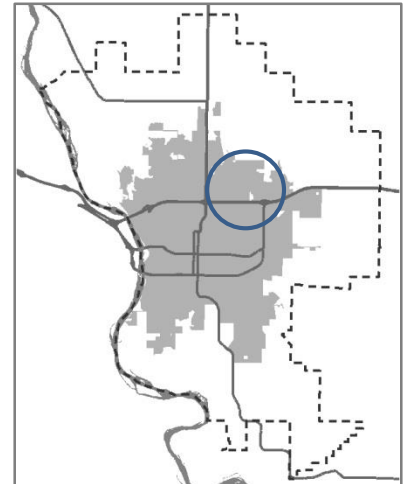
April 26, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-003

Project Summary

<i>Title:</i>	Pet Cemetery and Crematorium in Fairview Cemetery
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Fairview Cemetery Association
<i>Project Contact:</i>	Robert Eastgate
<i>Location:</i>	In northeast Bismarck, on the south side of East Century Avenue east of the railroad tracks and west of Hamilton Street.
<i>Project Size:</i>	Approximately 15,000 Square Feet
<i>Request:</i>	Develop a pet cemetery and convert an existing structure into a pet crematorium.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Cemetery, undeveloped portion
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density</i> <i>Allowed:</i>	A – 1 unit / 40 acres

Proposed Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Pet Cemetery and Crematorium
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density</i> <i>Allowed:</i>	A – 1 unit / 40 acres

Property History

<i>Zoned:</i>	NA	<i>Platted:</i>	NA	<i>Annexed:</i>	Pre-1980
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Staff Analysis

The applicant is requesting a special use permit to develop a pet cemetery and pet crematorium on an undeveloped portion of Fairview Cemetery.

The parcel is currently in the A – Agricultural zoning district, and cemeteries are allowed within this district with a special use permit. The zoning ordinance does not specifically distinguish between cemeteries for humans and cemeteries for other species, but staff

(continued)

interprets all of the terms to apply to both types of uses.

Adjacent uses include single-family and two-family residential to the north across East Century Avenue, rural residential to the east, and undeveloped lands to the south and west.

Certain restrictions to cemetery uses are applied by the zoning ordinance. An excerpt is attached to this report. All graves must be setback at least ten feet from the property line. As shown, the proposed graves would be at least 1,500 feet from the north property line and 800 feet from the south property line. Crematoriums must be at least fifty feet from the property line. As shown, the proposed crematorium would be at least 1,000 feet from the nearest property line to the north.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for a pet cemetery and crematorium in the N ½ of the NW ¼ of Section 26, T139N-R80W/Hay Creek Township, less that part lying west of the railroad tracks, with the following condition:

1. Development of the pet cemetery and crematorium must generally conform to the project location map submitted with this application.

Attachments

1. Excerpt from Title 14-03-08(4)b
2. Location Map
3. Zoning and Land Use Map
4. Project Location Map

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

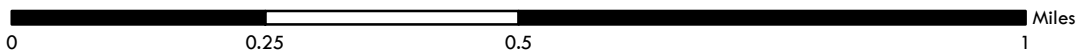
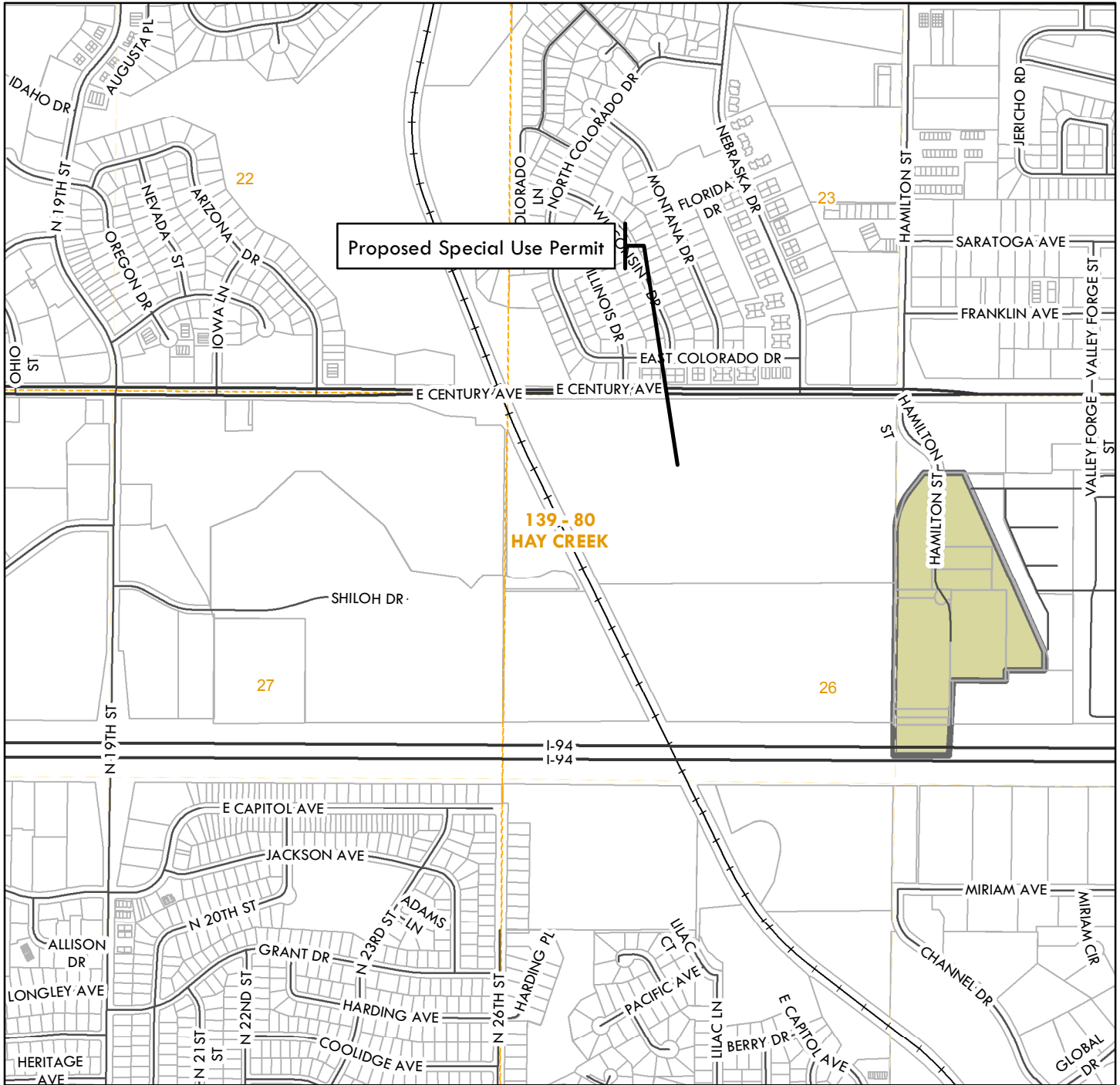
From Title 14-03-08(4)b

- a. Cemetery. A cemetery, mausoleum or columbarium (except for columbarium allowed as an accessory use to a religious institution in accordance with this section) may be permitted in any A or P district as a special use, provided:
 1. No graves shall be located less than ten (10) feet distant from any property line.
 2. No public mausoleum, columbarium or cemetery chapel shall be erected within one hundred (100) feet of any boundary of the lot or parcel on which it is located.
 3. The owners of any cemetery parcel which lies across any proposed major or secondary thoroughfare shown on a master plan of the City of Bismarck shall reserve and dedicate a right-of-way for such thoroughfare having a minimum width of one hundred (100) feet, or such greater minimum width as the city engineer of the City of Bismarck shall determine necessary in the fee simple to the City of Bismarck for highway purposes and those portions of said cemetery lying on either side of such dedicated thoroughfare shall be considered as separate cemeteries for the purpose of determining grave setbacks, landscaped strips, and building setbacks.
 4. Crematoriums may be allowed as an accessory use to a cemetery, provided that no crematorium shall be located within fifty (50) feet of any boundary of the lot or parcel on which it is located. The addition of a crematorium to an existing cemetery requires a special use permit.



Special Use Permit (Pet Cemetery/Pet Crematory) N1/2 of the NW1/4 of Section 26, City Lands

Project
Location Map

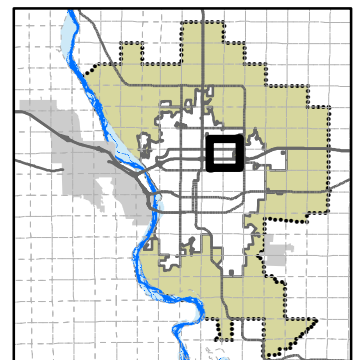


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 11, 2017 (HLB)

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Proposed Special Use Permit Pet Cemetery and Pet Crematorium

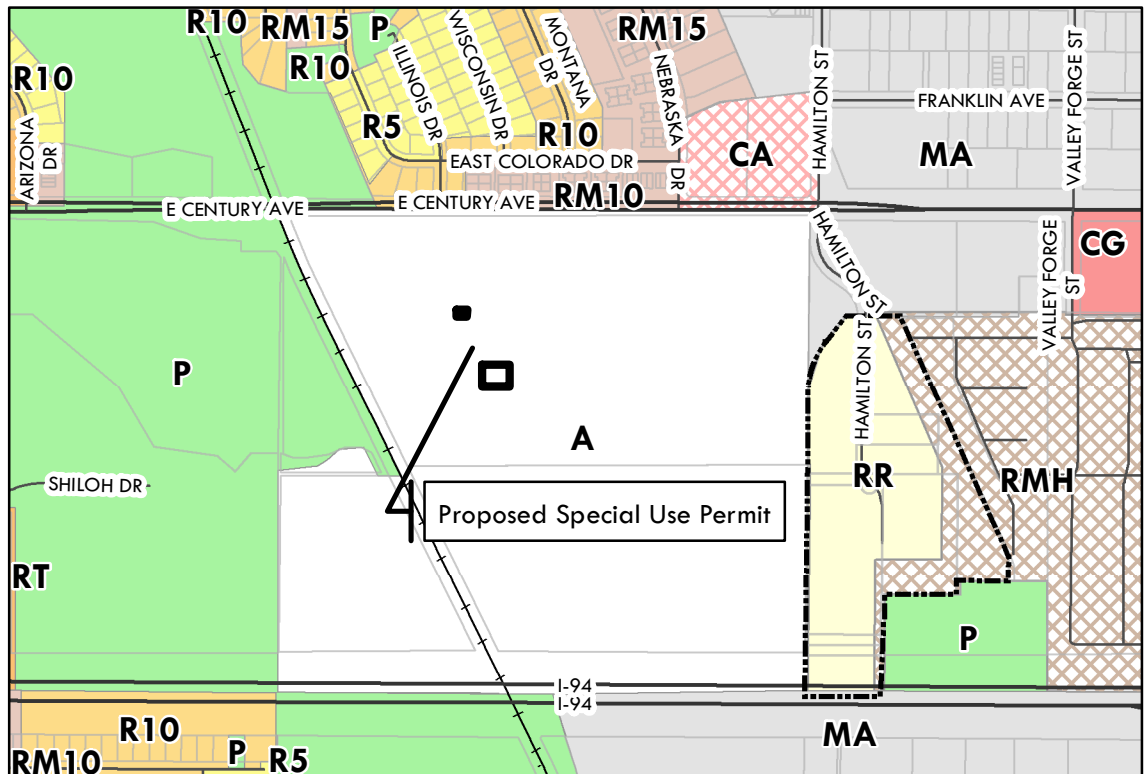
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

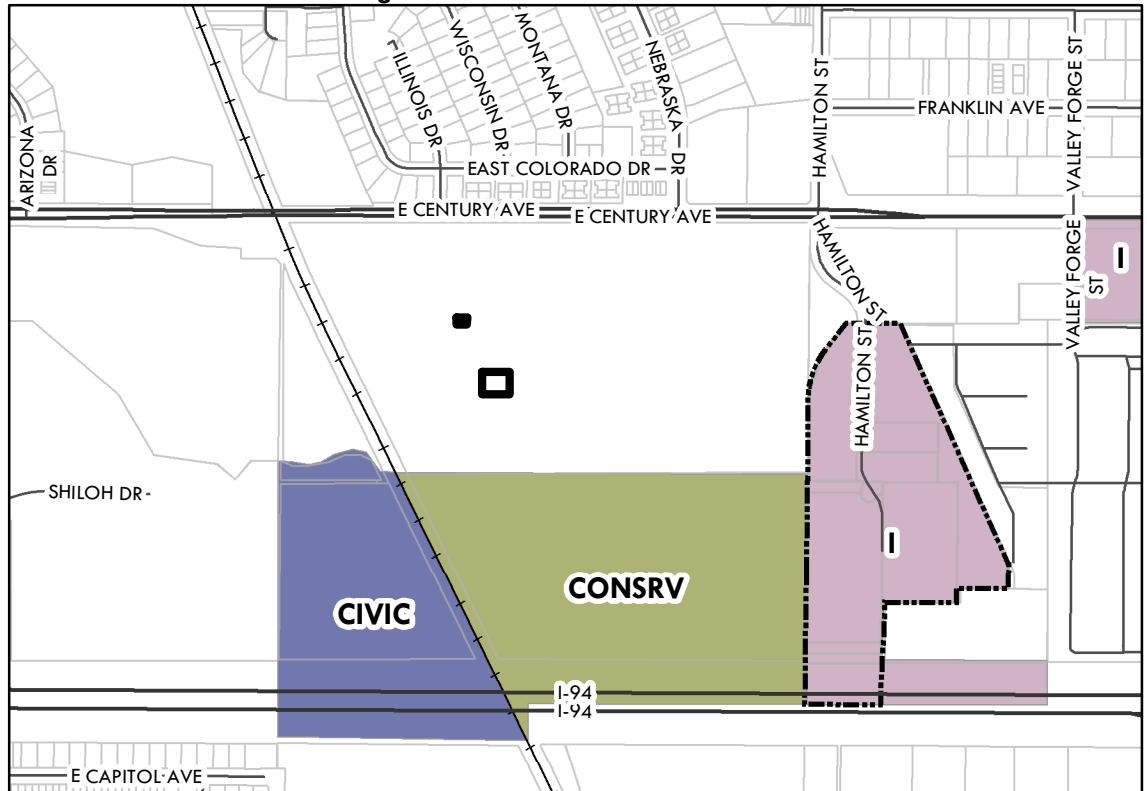
Zoning Districts

A	Agriculture
RR	Rural
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RMH	Manufactured Home Residential
R10	Residential
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PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan



Future Land Use Plan

CONSRV	Conservation
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C/MU	Commercial/Mixed Use
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RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

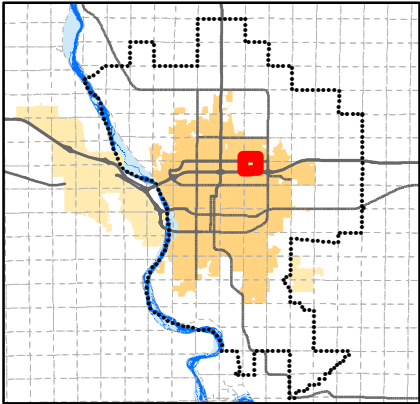
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City Limits

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City of Bismarck
Community Development Dept.
Planning Division
April 20, 2017



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 13

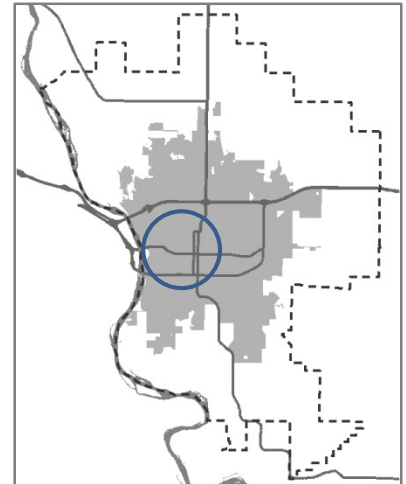
April 26, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-004

Project Summary

<i>Title:</i>	Tract 411 of Lots 1-12, Block 10, Original Plat (411 East Main)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Depot Properties, LLC
<i>Project Contact:</i>	Kevin Ruhland, AIA, LEED GA, JLG Architects
<i>Location:</i>	Downtown Bismarck, south of East Main Avenue between South 4th Street and South 5th Street.
<i>Project Size:</i>	1.19 acres
<i>Request:</i>	Approve a special use permit to operate a microbrewery in conjunction with a brewpub.



Site Information

Existing Conditions

<i>Number of Lots:</i>	12 lots in 1 block (1 tract)
<i>Land Use:</i>	Offices/vacant former restaurant
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	DC – Downtown Core
<i>Uses Allowed:</i>	DC – Mixed-use development including retail, multi-family residential, commercial and office uses
<i>Max Density Allowed:</i>	DC – 42 units / acre

Proposed Conditions

<i>Number of Lots:</i>	12 lots in 1 block (1 tract)
<i>Land Use:</i>	Microbrewery and brewpub
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	DC – Downtown Core
<i>Uses Allowed:</i>	DC – Mixed-use development including retail, multi-family residential, commercial and office uses
<i>Max Density Allowed:</i>	DC – 42 units / acre

Property History

<i>Zoned:</i>	9/27/2005	<i>Platted:</i>	01/1874	<i>Annexed:</i>	Pre 1940
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(continued)

Staff Analysis

West end of Depot building at 411 East Main Avenue

The applicant is requesting a special use permit to allow the operation of a microbrewery in conjunction with a brewpub in the DC-Downtown Core zoning district.

A brewpub is a permitted use in the DC-Downtown Core zoning district. Section 14-02-03 of the City Code of Ordinances (Definitions) defines a brewpub as, "A restaurant that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for consumption on the premises."

A microbrewery is defined in Section 14-04-21.3 (2)(c) of the City Code of Ordinances (downtown district use categories). It states: "Microbreweries are small-scale breweries that manufacture up to 10,000 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer." In the Downtown Core zoning district, a microbrewery is a permitted use subject to approval of a special use permit.

The proposed facility meets all of the provisions outlined in 14-04-21.4 (6) (Commercial Use Categories - Microbrewery) of the City Code of Ordinances. A copy of this section of the ordinance is attached.

The applicant has indicated that the proposed special use will manufacture less than 10,000 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer. In addition, the applicant has indicated that the proposed special use will meet

all applicable building code, health and sanitation, and zoning regulations. Further, the applicant has indicated that the facility will maintain all appropriate liquor license requirements required by the City.

The proposed special use will not be located within 300 feet of any existing religious institution, public or parochial school, public library, hospital or college or university building used for academic purposes.

The proposed special use would be compatible with adjacent land uses. Adjacent land uses include mixed uses typically found in the downtown zoning district and include retail, banking, offices, restaurants, bars, entertainment (theatre), and an art exhibition gallery.

The proposed special use will be located in the adaptive re-use of the existing Northern Pacific Railway Depot building. The building currently contains an office and will be renovated to support the operation of the microbrewery on the west end of the Depot. Future plans include the renovation of the space on the east end of the building into an event space. The proposed renovations meet all relevant design standards required for the downtown zoning district and the proposed exterior renovations to the building were approved by the Renaissance Zone Authority, acting as the Downtown Design Review Committee, on April 13, 2017.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in

(continued)

conjunction with other uses in the immediate vicinity;

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a

microbrewery on Tract 411 of Lots 1-12, Block 10, Original Plat.

Attachments

1. Section 14-04-21.4 (6)
2. Location Map
3. Zoning Map
4. Site Plan
5. Building Floor Plan
6. Interior Rendering

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

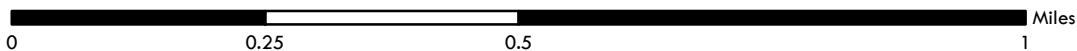
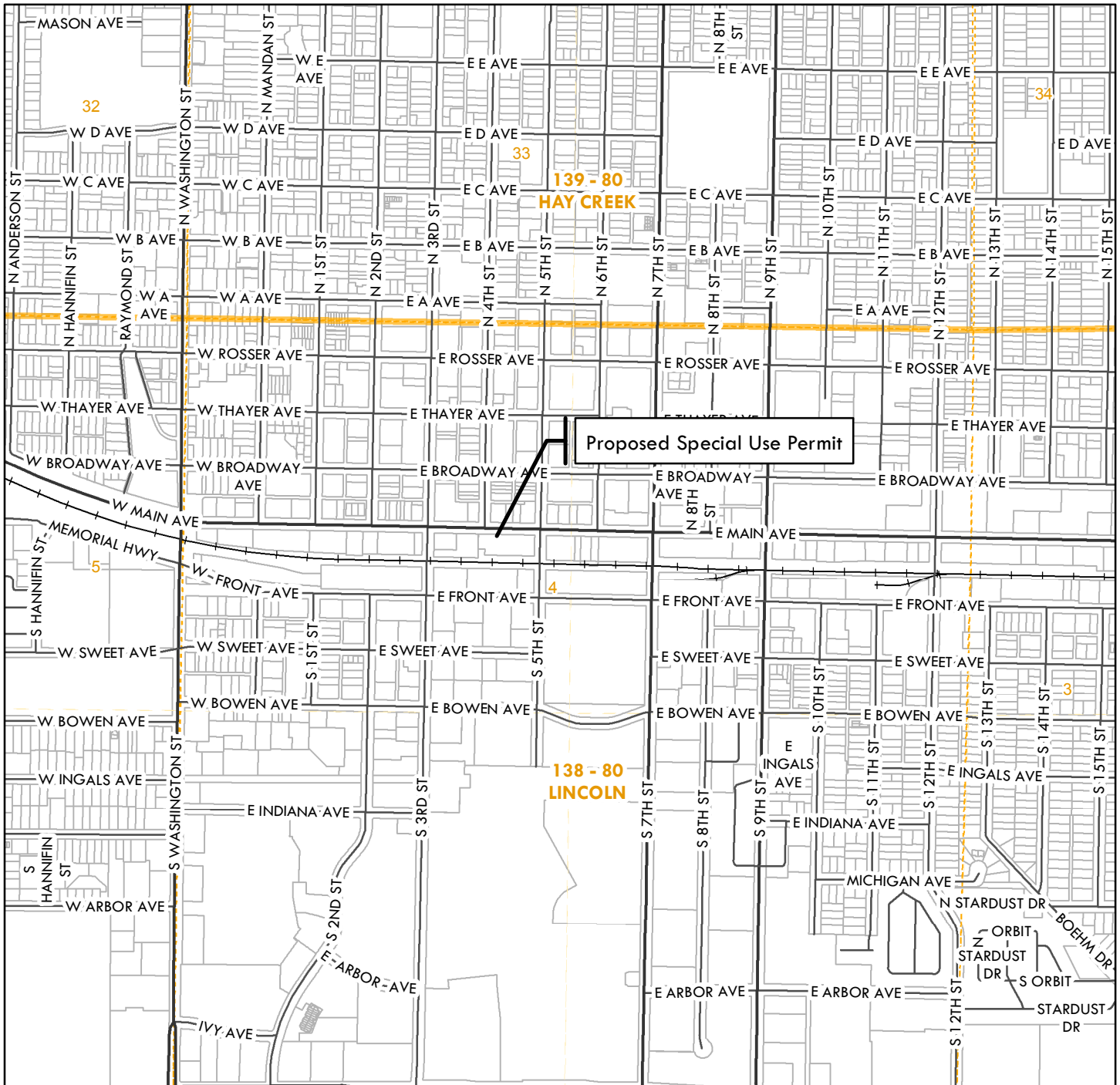
14-04-21.4 (6) Microbrewery

- a. The site may not be located within three hundred (300) feet of the nearest lot line of any religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.
- b. A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age and condition of the adjacent development; the proximity to residential areas, regardless of zoning; or any other criteria the City may deem pertinent.
- c. All brewing and storage activities are located within a completely enclosed building.
- d. The facility complies with all applicable building code, health and sanitation, and zoning regulations.
- e. The facility complies with all applicable licensing and operational requirements of the State.
- f. Beverages brewed onsite cannot be sold or otherwise provided for consumption on the premises unless the owner of the microbrewery holds the appropriate liquor license from the City.
- g. Beverages brewed onsite cannot be sold or otherwise provided to non-wholesale customers for consumption off the premises unless the owner of the microbrewery holds appropriate liquor license from the City.
- h. Adequate parking is provided onsite in accordance with the provisions of Section 14-03-10.



Tract 411 of Lots 1-12, Block 10, Original Plat Special Use Permit

Project
Location Map



City Limits



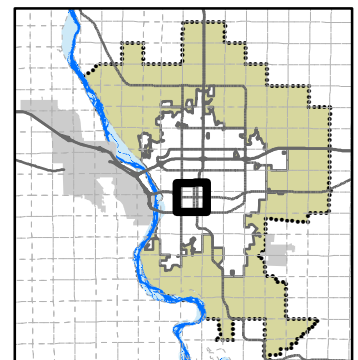
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 27, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.





Zoning Map

Tract 411 of Lots 1-12, Block 10, Original Plat

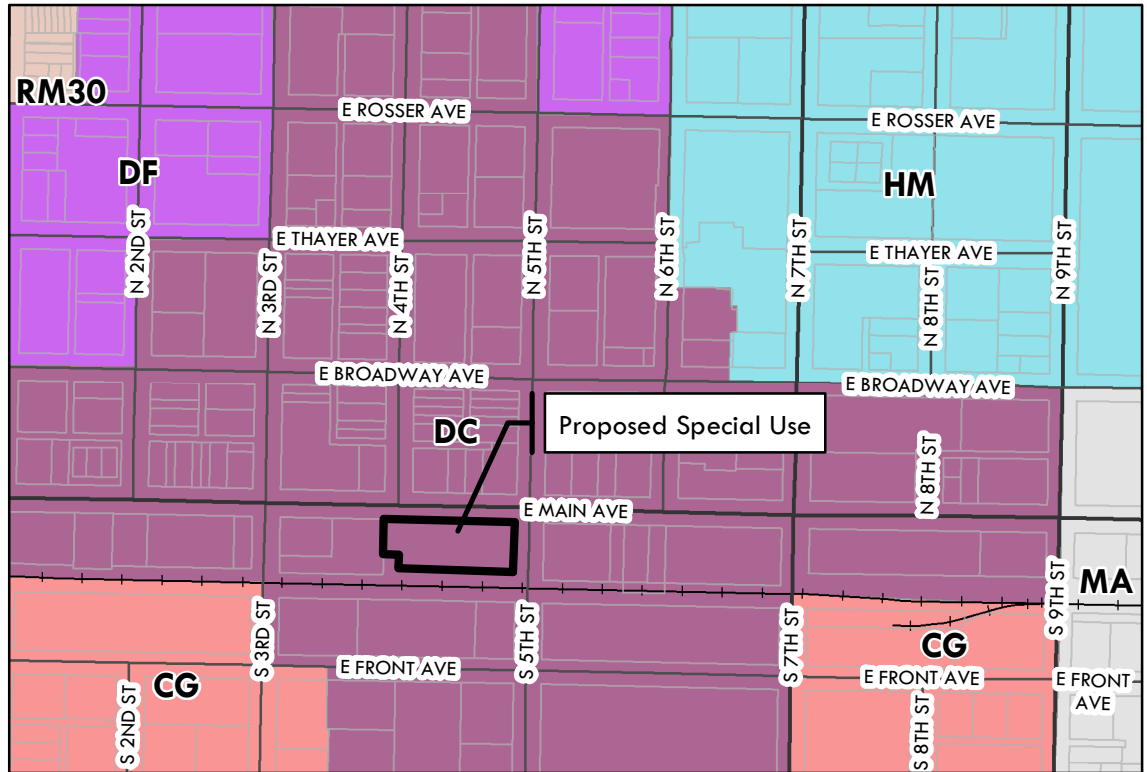
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

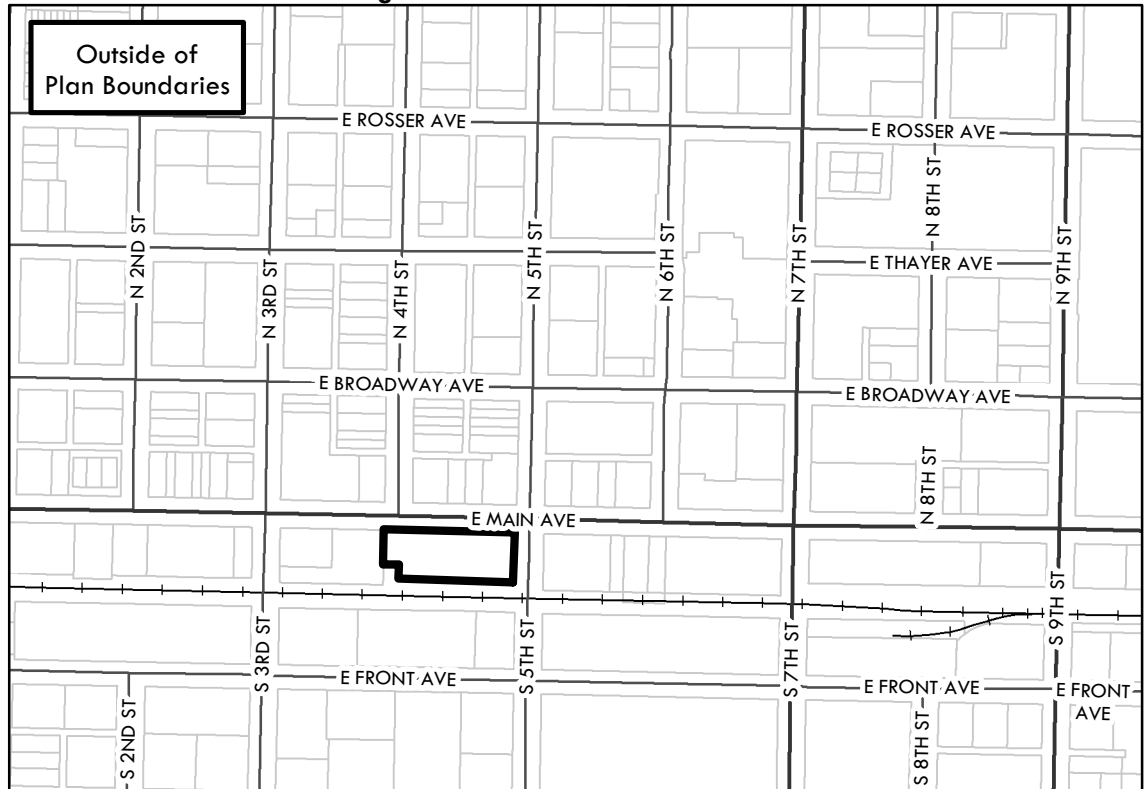
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

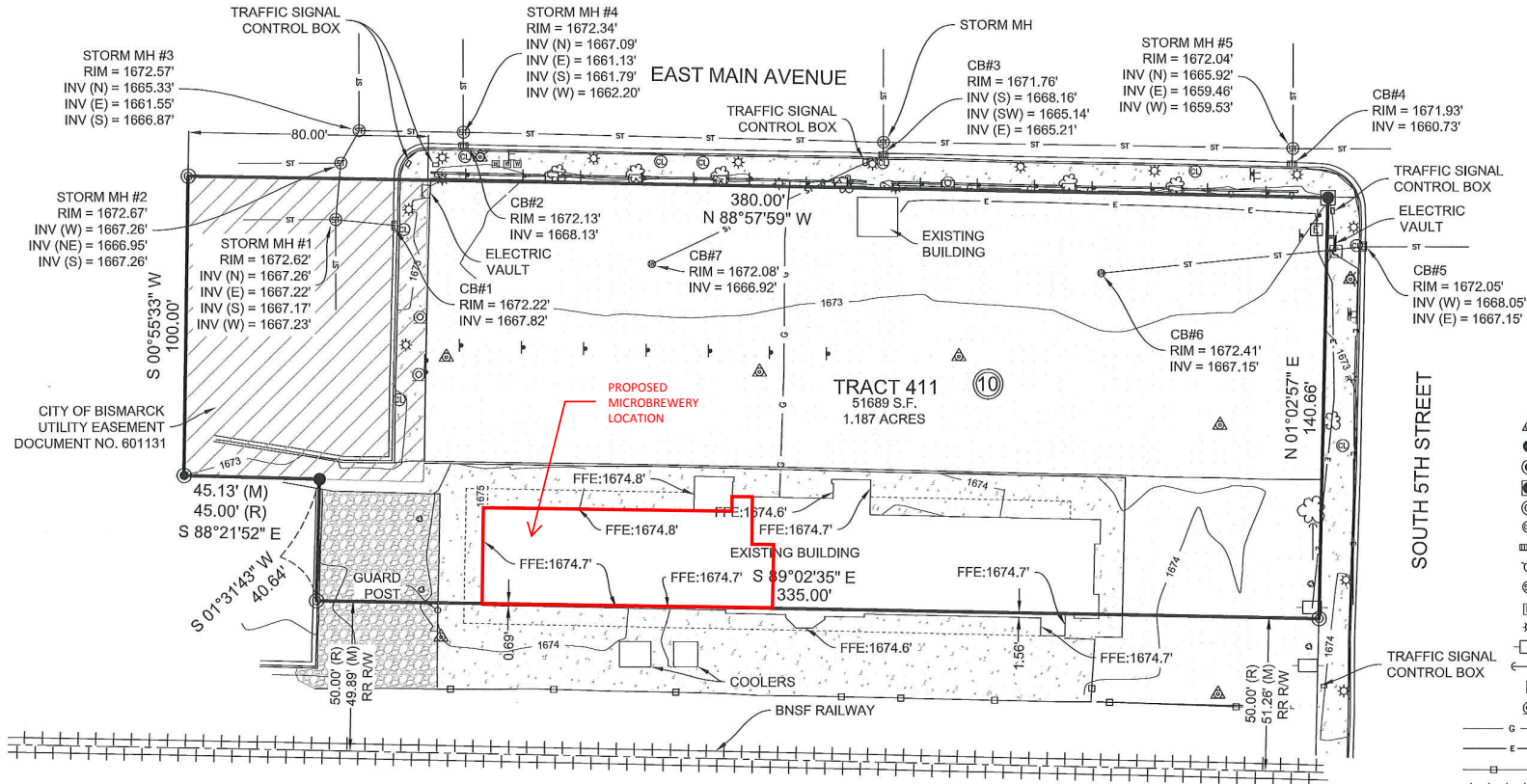
0 0.075 0.15 0.3 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
April 18, 2017



LEGEND:

- CONTROL POINT
- "X" IN CONCRETE - FOUND
- HOLE IN CONCRETE NO PIN - FOUND
- PK NAIL - FOUND
- CALCULATED CORNER
- SEWER CLEANOUT
- CATCH BASIN
- FIRE HYDRANT
- STORM MANHOLE
- ELECTRIC METER
- LIGHT POLE
- POWER POLE
- GUY WIRE
- SIGN
- TREE STUMP
- GAS LINE
- UNDERGROUND ELECTRIC LINE
- WOOD FENCE
- RAILROAD TRACKS
- TREE
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- GRAVEL PAVEMENT

Note:

Survey is based on local site
Units: International Feet
Distances shown are ground distances

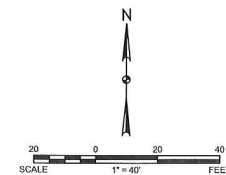
Said tract of land is subject to any
easement, restrictions or reservations,
either existing or of record.

Bearings and distances may vary from
previous plats due to different methods of
measurements.

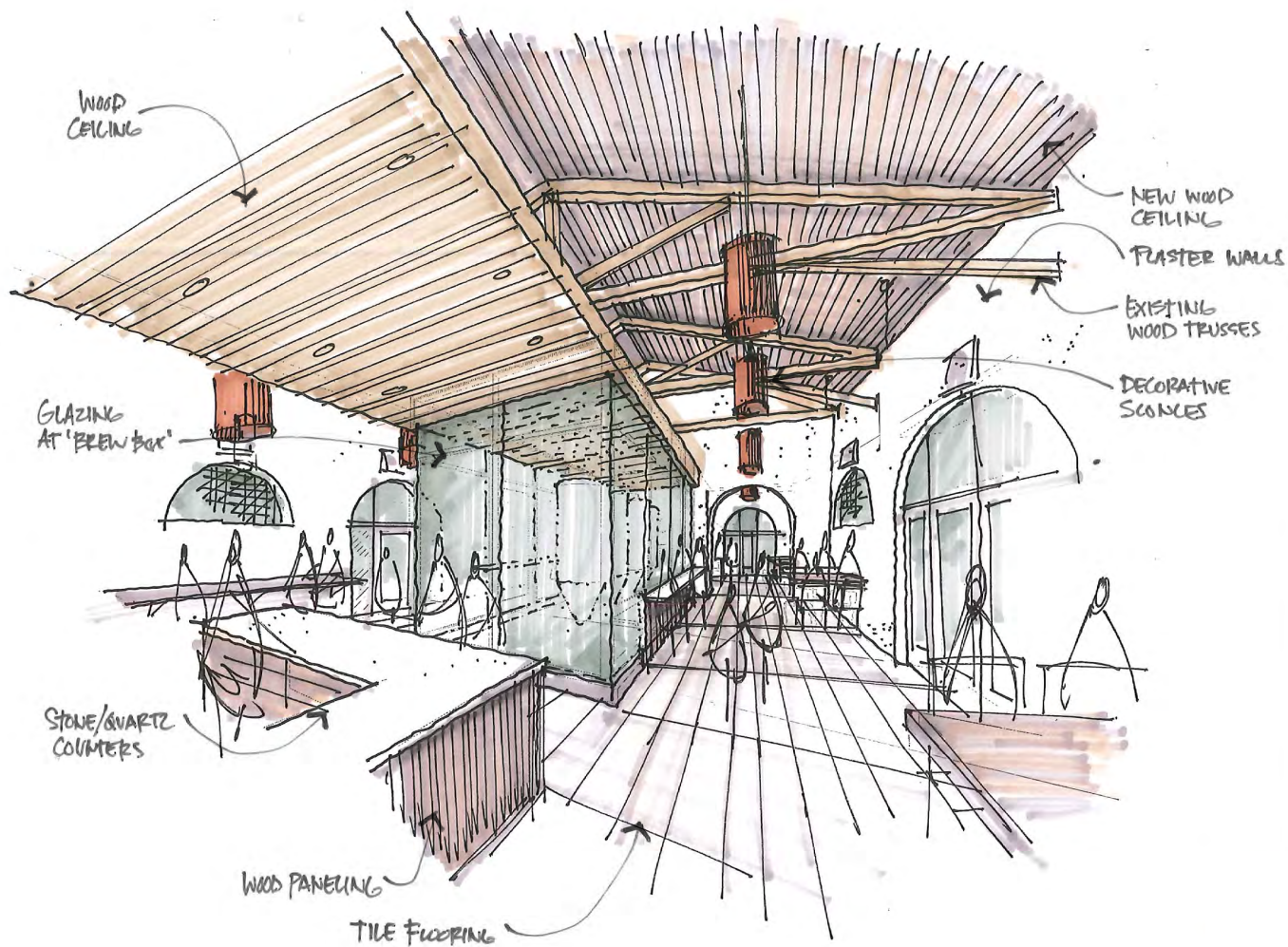
I, Kent A. Orvik, Professional Land Surveyor, N.D. PLS No. 3463, do hereby
certify that the survey shown hereon was made by me, or under my direction,
from notes made in the field, and the same is true and correct to the best of
my knowledge and belief. The field survey was performed May 12, 2015.

Kent A. Orvik
N.D. PLS No. 3463

Date



Rev'd. -		SHEET NO.	
TOPOGRAPHIC SURVEY			
DALE ZIMMERMAN			
BISMARCK, NORTH DAKOTA			
DOWNTOWN BISMARCK		PLAZA DESIGN	
411 EAST MAIN AVENUE		BISMARCK, NORTH DAKOTA	
DRAWN BY	CHECKED BY	PROJECT NO.	DATE
FJM	JRU	1614527	05/20/15



15075 DEPOT RENOVATION : EDWINTON BREWERY INTERIOR PERSPECTIVE

APRIL 7, 2016 | © 2016 JLG ARCHITECTS

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 22, 2017

The Bismarck Planning & Zoning Commission met on March 22, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Susan Axvig, Brian Bitner, Mike Donahue, Doug Lee, Gabe Schell, Mike Schwartz, Mike Seminary and Wayne Yeager.

Commissioners Vernon Laning and Lisa Waldoch were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Will Hutchings – Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the February 22, 2017 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the February 22, 2017 meeting, as presented. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

CONSIDERATION

A. LAST CHANCE SUBDIVISION – PRELIMINARY PLAT AND ZONING CHANGE

Chairman Yeager called for consideration of the following consent agenda item:

A. Last Chance Subdivision – Preliminary Plat and Zoning Change

MOTION: Commissioner Seminary made a motion to approve consent agenda item A granting tentative approval and calling for a public hearing on the item as recommended by staff. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

CONTINUED PUBLIC HEARING –FINAL PLAT FREEDOM RANCH SUBDIVISION

Chairman Yeager called for the continued public hearing on the final plat for Freedom Ranch Subdivision. The proposed plat is one lot on 13.21 acres and is located northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
8. The proposed subdivision is consistent with the general intent and purpose of the zoning Ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the final plat of Freedom Ranch Subdivision.

Chairman Yeager opened the public hearing.

Mike Voigt, Bismarck Rural Fire Department (BRFD) Fire Chief, said he met with the chief officers in his department regarding this subdivision and submitted comments to staff. He said he is concerned about the inadequate access for emergency services both to and within the property as proposed. He added that Hay Creek Township has recommended to proceed with the request and the BRFD can work around the issues if needed, but emphasized it would not be wise to move this request forward as proposed because of these access issues.

Commissioner Schell asked if the issues are related to the location and the route or the structure of the roadways. Mr. Voigt said it is a combination of both of those items. He said he understands it is an unimproved road and there was a recent incident that occurred because the private access used was not designed for the use of emergency services. He said BRFD may not be able to provide emergency services and fire suppression in a timely manner if the roads are in poor condition.

Commissioner Lee asked for more information on any other concerns presented to staff. Mr. Voigt said, based on the proposed layout, houses would be addressed off of Sandy River Drive. He said it is likely that their computer service would generate a route that is not well delineated, which causes emergency services to be guided incorrectly. He said this area is also prone to water issues and with the development of the continuation of Fernwood Drive being some ways off, they are trying their best to prevent property losses.

Commissioner Bitner said that he thought City staff had addressed the access issues and asked if the County Engineer, Marcus Hall, has been consulted as well. Mr. Voigt said they have not had a chance to meet with Mr. Hall but these roads will not work for emergency service vehicles without meeting some higher standards.

Commissioner Bitner asked if a meeting can be arranged to discuss the roadway standards. Ms. Lee said the road, as of now, is a private access easement so it is a complicated situation because it is on property owned by the applicant and the adjoining property owners. She said there is one off-site owner and Planning staff did recommend improving the roadway as an advisory matter.

Commissioner Bitner said there could be an issue if the property is sold and the new owner is unaware of the access and emergency service issues.

Commissioner Lee said this is clearly a problem for emergency services and asked if anybody has suggestions.

Mr. Voigt said he could have a conversation with Central Communications on their needs regarding this situation as well.

Ms. Lee said the addressing of the properties was discussed with City-County staff and they are trying to resolve a way to better locate properties for emergency service routes and are

also going to be attending a future meeting with Hay Creek Township representatives and impacted property owners.

Commissioner Seminary said time is essential for emergency personnel and asked if it would cause a hardship to the applicant if the request is delayed further to allow more time to rectify the emergency vehicle access and roadway issues.

Landon Niemiller, Swenson, Hagen & Co., said they are aware of the conditions of the road and the plan is to only have one property developed at this location with one of them being closer to the main point of access to the subdivision. He said the owner knew it would take some time to resolve everything, but would like to start building as soon as possible.

Chairman Yeager asked if it is foreseeable that the owner would upgrade the roadway. Mr. Niemiller said it is not likely as Fernwood Drive would eventually be a section line roadway.

Commissioner Bitner said he is not comfortable adding to an already existing problem.

Commissioner Lee asked if there is a way to make an approval of a subdivision contingent upon the owner improving the roadway to the satisfaction of the Bismarck-Rural Fire Department, as well as the implementation of appropriate street signage.

Mr. Niemiller said that is an option they would be willing to explore.

Commissioner Donahue said he thinks these problems should be sorted out and then bring the request back for a final decision.

Commissioner Bitner said he feels it is in everybody's best interest to hear from County Engineer Marcus Hall as well, because it is a roadway issue.

Commissioner Donahue said, having served on the Fargo Police Department, he has seen firsthand the issues of having to search for an address when there is an emergency and it can be a very bad situation.

Commissioner Seminary said Hay Creek Township has acknowledged the private access and the need for signage and thinks their focus should be on those things as well. He asked if signage in a very general location would make a large difference in being able to adequately navigate to properties.

Mr. Voigt said adequate signage can make a huge difference when information is being communicated from Central Communications.

Chairman Yeager asked if an example can be given of an instance where a landowner had a road that was not to standard and were warned of the problems it could cause. Mr. Voigt said they try to leave it to the various Commissions to handle concerns at that stage in the process and then go by what is approved. He said it makes people uneasy when an issue is foreseeable and they try to do right by the safety needs of everybody.

Quirin Frieze, Hay Creek Township, asked if a requirement is put on the approval of the subdivision of the private drive having to be improved, will that mean all of them within the township would have to be improved as well. He said there is a lot of private drives that would have to be brought to County standards if that is the case.

Commissioner Bitner said there needs to be a point where a drive passes private and becomes public. He said there being access to three homes to him no longer constitutes a private drive.

Commissioner Axvig asked who handles snow removal on the private drives. Mr. Frieze said maintenance and snow removal on the township roads is contracted through Burleigh County, but they have nothing to do with any of the private roads.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Lee said they have an obligation to protect the public and there seems to be some ongoing issues with this request. He said he does not want to tell people what to do on their own property, but if there is going to be more than one home it needs to be adequately protected. He said there needs to be a conditional approval with the requirement of roadway improvements or the request needs to be denied.

Commissioner Bitner said the issues presented cross a lot of various staff and departments as well as Hay Creek Township, and in order to waive any development standards it would have to remain a single residence. He said he would like to see the request be continued to allow more time to resolve the issues presented.

Commissioner Atkinson asked if they can require development of the section line road of Fernwood Drive. Commissioner Lee said they should not dictate private roads and cannot allow putting residents and first responders at risk.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to continue action on the final plat of Freedom Ranch Subdivision to the April 26th meeting, to provide time for County and City staff to review outstanding public safety concerns. Commissioner Bitner seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

FINAL CONSIDERATION - ANNEXATION PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT EAGLE CREST SEVENTH ADDITION

Chairman Yeager called for the public hearing on the final plat; the zoning change from the A-Agricultural zoning district to the R5-Residential zoning districts; and final consideration of the annexation of Eagle Crest Seventh Addition. The proposed plat is 14 lots in two

blocks on 5.9 acres and is located in northwest Bismarck, west of East Valley Drive and approximately 200 feet west of High Creek Road.

Mr. Nairn gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the annexation, zoning change from the A – Agricultural to the R5 – Residential zoning district, and the final plat for Eagle Crest Seventh Addition, including the granting of a waiver to allow the use of a cul-de-sac and with the condition that a stormwater and drainage easement is

recorded west of the plat for an erosion control berm, as noted in the March 7th stormwater management approval letter, prior to recordation of the final plat.

Commissioner Seminary asked if the owner is aware of the condition regarding the stormwater and drainage easement. Mr. Nairn said the owner is aware.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the annexation, the zoning change from the A – Agricultural to the R5 – Residential zoning district, and the final plat for Eagle Crest Seventh Addition, including the granting of a waiver to allow the use of a cul-de-sac and with the condition that a stormwater and drainage easement is recorded west of the plat for an erosion control berm, as noted in the March 7th stormwater management approval letter, prior to recordation of the final plat. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT EDGEWOOD VILLAGE SEVENTH ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat and the zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Edgewood Village Seventh Addition First Replat. The proposed plat is 16 lots in one block on 4.52 acres and is located in northeast Bismarck, between 43rd Avenue NE and East Calgary Avenue along the west side of Nebraska Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The requirement to provide a stormwater management plan has been waived by the City Engineer.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and approval of the minor subdivision final plat for Edgewood Village Seventh Addition First Replat.

Commissioner Seminary asked if the requests are in order to develop twinhomes. Mr. Hutchings said that is correct, that there could be eight twinhomes or 16 units within the plat.

Chairman Yeager opened the public hearing.

Jason Petryszyn, Swenson, Hagen & Co., said the owner wants to change to a zoning district that would support larger twinhomes and, with the school located across the street, the existing square footage of the lots was difficult to work with. He said the planned design

concept has been popular in other locations because of the implementation of side-loaded garage access. He said this helps reduce the number of individual driveways on the street.

Additional written comments in opposition to this request are attached as Exhibit A.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Schell said this concept would function better because of the reduced number of access points on the street, which is a collector roadway.

Commissioner Lee said he opposed the change in density with so much of this area already being developed. He said the public needs to have something to rely on and changing the zoning now seems unfair to the existing residents.

Chairman Yeager asked for an explanation of the zoning map and what is adjacent to this property.

Mr. Hutchings said the area to the southwest has developed like a single-family density zoning district, but is actually zoned R10-Residential as well.

Commissioner Donahue said he would vote in favor of denying these requests.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to deny the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and the minor subdivision final plat for Edgewood Village Seventh Addition First Replat. Commissioner Lee seconded the motion and the request was denied with Commissioners Axvig, Bitner, Donahue, Lee, and Schwartz voting in favor of the motion. Commissioners Atkinson, Schell, Seminary and Yeager opposed the motion.

PUBLIC HEARING – FINAL PLAT GIBBS SUBSTATION SUBDIVISION

Chairman Yeager called for the public hearing on the final plat for Gibbs Substation Subdivision. The proposed plat is one lot on 11.44 acres and is located east of Bismarck, along the south side of 43rd Avenue NE, in the southwest quadrant of the intersection of 43rd Avenue NE and 80th Street NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed final plat.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the final plat for Gibbs Substation Subdivision.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the final plat of Gibbs Substation Subdivision. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

PUBLIC HEARING – MAJOR PUD AMENDMENT SOUTHPORT PHASE II

Chairman Yeager called for the public hearing on a major PUD amendment for Southport Phase II to allow the conversion of the two-story portion of The Pier building from an office use back to a restaurant/bar use. The property is located in southwest Bismarck, along the west side of Riverwood Drive south of Bismarck Expressway.

Ms. Lee gave an overview of the request, including the following findings related to land use:

1. The proposed amendment is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed amendment is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed.
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.
6. The amended planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways.
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated.
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the draft amendment document.

Ms. Lee added that she did receive two calls from nearby property owners who support the request.

Chairman Yeager opened the public hearing.

Neal Galpin, Galpin Entertainment, LLC, said they are the new owners of the property and just wanted to introduce themselves and answer any questions.

Commissioner Lee asked when they expect to be open to the public. Mr. Galpin said they would like to open as soon as possible.

Commissioner Donahue said he would like to recuse himself from voting on this request.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the draft PUD amendment document. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion. Commissioner Donahue abstained.

Commissioner Bitner excused himself from the meeting at this time.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH SERVICE)
LOT 46, BLOCK 2, SONNET HEIGHTS SUBDIVISION FIRST REPLAT**

Chairman Yeager called for the public hearing on a request for a special use permit for a drive-through oil change facility in conjunction with a tire repair business (Tires Plus) to be located on Lot 46, Block 2, Sonnet Heights Subdivision First Replat. The property is located in north Bismarck, west of US Highway 83 between Canada Avenue and East Lasalle Drive along the west side of Ottawa Street.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit for the construction and operation of a drive-through oil change facility on Lot 46, Block 2, Sonnet Heights Subdivision First Replat, with the following condition:

1. The development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

Wayne Hatzenbuhler, 1951 Oakland Drive, said he owns a condo to the south of this property on East LaSalle Drive and is concerned that there would not be enough parking provided. He said the new Sky Zone facility across the street has problems with insufficient parking and does not want to see that happen here.

Chairman Yeager asked if the parking has been reviewed and if the requirements are being met.

Jason Petryszyn, Swenson, Hagen & Co., said the site plan for the property is currently under review by City staff and it has been determined that the number of parking spaces does meet the requirements of the zoning ordinance, plus a couple of extra spaces as there was room for them.

Commissioner Seminary asked if it is anticipated that overflow parking would be used for extra parking, if needed.

Mr. Petryszyn said the parking on-site should be enough to accommodate employees as well as patrons.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to allow the construction and operation of a drive-through oil change facility on Lot 46, Block 2, Sonnet Heights Subdivision First Replat, with the following condition: 1. The development of the site must generally conform to the site plan submitted with the application. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

OTHER BUSINESS

PUBLIC HEARING PROCEDURES AND PROTOCOL - DISCUSSION

Ms. Lee asked if anybody has suggested changes to the information on this item that was provided at the last meeting. She said Commissioner Schell asked for a general timeline of when the changes would be made and can implement suggestions to be put into a final draft to be presented at the April 26th meeting.

Commissioner Schell asked what the general plan is for making the public hearing procedures and protocol available to the general public.

Ms. Lee said she envisions including them in the meeting packets and on the City website.

Commissioner Lee said he appreciates the time staff has spent on this improvement, as well as the added value it could bring to their process.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:01 p.m. to meet again on April 26, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

Hilary Balzum

From: Planning - General Mailbox
Sent: Tuesday, March 21, 2017 9:57 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Rezoning Edgewood Village 7th Addition

From: Mike Wagner [mailto:████████████████████]
Sent: Tuesday, March 21, 2017 9:17 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning Edgewood Village 7th Addition

Dear Bismarck Planning and Zoning Commission,

I'm writing this letter to make you aware I'm a homeowner adjacent to the lots that have been proposed for rezoning and I'm opposed to the change. When my wife and I built our house about a year and a half ago it was important for us to be in an area designated for single family homes. I don't think it is fair to those who are already established in the neighborhood and have paid a premium for homes/lots to be in an area such as this. We've had bad experiences living next to multi-family homes in Bismarck as well as Fargo and didn't want to end up next to one again. Our last home in Bismarck was next to a split home in which the tenants were selling/using drugs and eventually arrested for methamphetamine possession. We spend a lot of time outside with our kids and were fearful of their safety with all the in and out traffic at that home which was a big factor in our decision to move and build where we did. I also oppose this change because I believe the increased home density will devalue the existing homes and lots. Larger lots with less homes are going to be more desirable for the majority of home buyers. Rather than having one lot with a portion of a second along the east side of my lot I would now have three full lots. Now there's more houses as well as more neighbors which would make my property less appealing. I hope you take into account this zoning change would have dissuaded me from building where I did. I would like to see homes go up along Nebraska Dr but I do not want to see the zoning change.

Sincerely,
Mike Wagner
3809 Knudsen Lp

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2017

*****City*****

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	3/2017		3/2016		3/2017		3/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	14	\$3,445,889.25	17	\$3,091,410.85	2	\$498,087.00	5	\$977,286.75
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	17	\$1,985,832.75	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$2,500,000.00	1	\$0.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	1	\$32,500.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	0	\$0.00	1	\$3,255,847.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	2	\$1,190,000.00	0	\$0.00	0	\$0.00
OTHER NEW	1	\$900,000.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	0	\$0.00	3	\$33,694.50	0	\$0.00	2	\$57,948.00
RESIDENTIAL GARAGES	2	\$5,632.00	11	\$64,687.02	1	\$19,200.00	9	\$213,666.00
0602 RESIDENTIAL GARAGE	0	\$0.00	0	\$0.00	1	\$8,320.00	0	\$0.00
DECKS PORCHES & COVERED PATIOS	5	\$9,360.00	13	\$46,005.00	2	\$6,840.00	1	\$1,620.00
0603 DECKS	4	\$12,210.00	0	\$0.00	0	\$0.00	0	\$0.00
SWIMMING POOLS & SPAS	0	\$0.00	1	\$62,112.70	0	\$0.00	0	\$0.00
OTHER	8	\$148,758.00	4	\$48,200.48	3	\$285,110.08	2	\$5,500.00
STORAGE SHEDS	0	\$0.00	0	\$0.00	0	\$0.00	2	\$46,080.00
BASEMENT FINISH	16	\$69,929.50	17	\$83,576.25	3	\$14,335.50	6	\$42,265.50
COMMERCIAL BUILDINGS	12	\$1,902,595.00	11	\$961,390.00	0	\$0.00	2	\$225,000.00
MULTI-FAMILY TO SINGLE-FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	14	\$72,226.89	12	\$67,078.99	0	\$0.00	0	\$0.00
SIGN ALTERATION	0	\$0.00	1	\$2,400.00	0	\$0.00	0	\$0.00
Total	77	\$9,066,600.64	123	\$10,924,735.54	12	\$831,892.58	29	\$1,569,366.25

PERMIT ACTIVITY REPORT - MTD
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	3/2017		3/2016		3/2017		3/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	63	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	52	\$4,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	25	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL MOBILE HOME	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	17	\$25.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	144	\$816,186.70	0	\$0.00	15	\$153,972.89	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	11	\$93,930.00	0	\$0.00	1	\$14,500.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	14	\$42,186.00	0	\$0.00	3	\$14,000.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	20	\$106,391.00	0	\$0.00	2	\$9,800.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	35	\$555,590.00	0	\$0.00	13	\$77,530.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	20	\$33,295.00	0	\$0.00	5	\$10,825.00
BUILDING PLUMBING	19	\$146,080.00	40	\$403,492.00	2	\$19,000.00	2	\$5,000.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	2	\$0.00
Total	228	\$962,266.70	262	\$1,245,909.00	17	\$172,972.89	28	\$131,655.00

**PERMIT ACTIVITY REPORT - MTD
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	*****City*****		*****ETA*****	
	3/2017	3/2016	3/2017	3/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	0	7	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	17	0	0
SINGLE FAMILY DETACHED	14	17	2	5
Total	14	41	2	5

PERMIT ACTIVITY REPORT - YTD
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	3/2017		3/2016		3/2017		3/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
& COVERED PATIOS	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
SINGLE FAMILY DETACHED	20	\$4,736,582.25	22	\$4,101,276.15	2	\$498,087.00	6	\$1,254,828.75
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	25	\$3,442,536.75	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$2,500,000.00	5	\$17,000.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	4	\$155,000.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	2	\$135,000.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	0	\$0.00	1	\$3,255,847.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	4	\$1,288,600.00	0	\$0.00	0	\$0.00
OTHER NEW	3	\$3,077,983.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	4	\$88,854.50	5	\$102,091.25	1	\$58,989.00	4	\$107,574.00
RESIDENTIAL GARAGES	2	\$5,632.00	11	\$64,687.02	1	\$19,200.00	10	\$264,066.00
0602 RESIDENTIAL GARAGE	0	\$0.00	0	\$0.00	1	\$8,320.00	0	\$0.00
DECKS PORCHES & COVERED PATIOS	8	\$22,380.00	19	\$65,085.00	2	\$6,840.00	1	\$1,620.00
0603 DECKS	4	\$12,210.00	0	\$0.00	0	\$0.00	0	\$0.00
SWIMMING POOLS & SPAS	0	\$0.00	1	\$62,112.70	0	\$0.00	0	\$0.00
OTHER	14	\$455,058.00	16	\$299,396.48	4	\$287,610.08	3	\$9,100.00
HOME OCCUPATION	4	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	0	\$0.00	0	\$0.00	0	\$0.00	2	\$46,080.00
BASEMENT FINISH	45	\$199,029.25	60	\$288,416.25	16	\$127,881.50	15	\$91,003.35

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	3/2017		3/2016		3/2017		3/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
COMMERCIAL BUILDINGS	42	\$4,106,610.00	35	\$4,811,819.00	0	\$0.00	2	\$225,000.00
OFFICE BUILDINGS	0	\$0.00	1	\$7,500.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	23	\$149,525.38	39	\$377,375.01	0	\$0.00	0	\$0.00
SIGN ALTERATION	0	\$0.00	5	\$36,964.46	0	\$0.00	0	\$0.00
Total	180	\$15,424,429.38	273	\$18,612,129.07	27	\$1,006,927.58	43	\$1,999,272.10

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	3/2017		3/2016		3/2017		3/2016	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	206	\$2,600.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	253	\$59,195.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	83	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	50	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	11	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	65	\$259,970.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	377	\$2,307,799.81	0	\$0.00	44	\$410,473.17	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	22	\$352,626.00	0	\$0.00	3	\$15,900.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	44	\$145,022.00	0	\$0.00	8	\$30,500.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	78	\$497,960.20	0	\$0.00	9	\$72,537.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	145	\$4,915,265.00	0	\$0.00	25	\$1,027,485.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	85	\$109,518.50	0	\$0.00	11	\$20,293.00
BUILDING PLUMBING	50	\$1,093,124.00	110	\$2,390,476.55	3	\$19,300.00	7	\$48,933.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	3	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	633	\$3,403,523.81	969	\$8,737,033.25	47	\$429,773.17	67	\$1,215,648.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2017**

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	3/2017	3/2016	3/2017	3/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	2	8	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	25	0	0
SINGLE FAMILY DETACHED	20	22	2	6
Total	22	55	2	6